Ministry of Labour
Annual Report
1989/90

Fiscal year ending
March 31, 1990

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Ontario Ministry of Labour
Ministère du Travail de l'Ontario

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Bureau du Ministre

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September 30, 1990

His Honour
The Lieutenant Governor in Council

May it please Your Honour:

I am honoured to present the 71st annual report of the Ministry of Labour, covering the financial year ending March 31, 1990.

As we enter this new decade, it is clear there are many new challenges facing the Ontario labour market. A directional plan for the 1990s, designed to guide the ministry in its policy, program and legislative endeavours, has been undertaken in an effort to enhance our ability to meet these needs.

In 1989, the Workers' Compensation Board celebrated its 75th anniversary. In July of the the same year, Bill 162 was passed and granted Royal Assent, amending the Workers' Compensation Act to include a dual-award model of disability compensation, vocational rehabilitation and re-employment provisions. These measures contribute to a fairer compensation system for injured workers in Ontario.

The year also saw the Smoking in the Workplace Act take effect, providing worker protection by restricting workplace smoking.

In August, the province, in conjunction with the federal government, introduced the Program for Older Worker Adjustment. This initiative is designed to assist older workers permanently laid off who, because of their age, are particularly disadvantaged by major layoffs and plant closures.

There was further progress towards amending the Occupational Health and Safety Act. Bill 208 received second reading and was submitted for clause-by-clause examination to the Standing Committee on Resources Development, to be followed by public hearings.

In an effort to streamline and clarify the pay equity process, consultations continue on amendments to the Pay Equity Act. In October, the Pay Equity Commission issued a report containing recommendations to expand the Act in order to bring benefits to more women. In response, the ministry issued a discussion paper to interested parties.

In September 1989, the ministry released a green paper on biotechnology. This is a rapidly growing industry in which workers may require protective legislation.

My thanks and appreciation to the ministry's staff, who have worked diligently at every level to encourage employers and employees to work together towards an Ontario working environment that is safe and equitable for all.

The Honourable Gerry Phillips
Minister

Ontario Ministry of Labour
Ministère du Travail de l'Ontario

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Bureau du sous-ministre

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September 30, 1990

The Honourable Gerry Phillips
Minister of Labour

Dear Mr. Phillips:

I am pleased to submit for your consideration the annual report of the Ontario Ministry of Labour for the 1989/90 financial year.

During the past year, many major legislative initiatives, in addition to ongoing policy consultations, have continued to challenge ministry staff. These challenges have been met, resulting in progress in each area of the ministry's mandate.

My thanks to the ministry staff who, through professionalism and hard work, recognize their responsibility to the working people of Ontario.

Respectfully submitted,

George Thomson
Deputy Minister

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Acts Administered

	Administered by
Crown Employees Collective Bargaining Act	Crown Employees Grievance Settlement Board and Ontario Public Service Labour Relations Tribunal
Employment Agencies Act	Employment Standards
Employment Standards Act	Employment Standards
Government Contracts Hours and Wages Act	Employment Standards
Hospital Labour Disputes Arbitration Act	Office of Arbitration
Industrial Standards Act	Employment Standards
Labour Relations Act	Labour Relations Board
Ministry of Labour Act	Main Office
Occupational Health and Safety Act	Occupational Health and Safety Division
One Day's Rest in Seven Act	Employment Standards
Pay Equity Act	Pay Equity Commission
Rights of Labour Act	Main Office
Smoking in the Workplace Act, 1989	Occupational Health and Safety Division
Toronto Transit Commission Labour Disputes Settlement Act, 1989	Labour Relations Board
Workers' Compensation Act	Workers' Compensation Board
Workers' Compensation Insurance Act	Workers' Compensation Board
Blind Workmen's Compensation Act	Workers' Compensation Board

Some Facts and Figures on the 1989/90 Year *

Expenditures	$132.9 million
Number of Staff at March 31, 1990	1,853

Industrial Relations

Conciliations Undertaken	3,425
Number of Employees Affected	387,658
Mediations Undertaken Where No Work Stoppage Was Involved	1,093
Number of Employees Affected	129,248
Mediations Undertaken Where Work Stoppage Was Involved	210
Number of Employees Affected	22,266

Employment Standards **

Number of Files Closed	19,078
Number of Collections Made on Behalf of Employees	11,637
Number of Employees Benefited	21,148
Amount Collected	$13.8 million
Inquiries Handled	867,181

Occupational Health and Safety

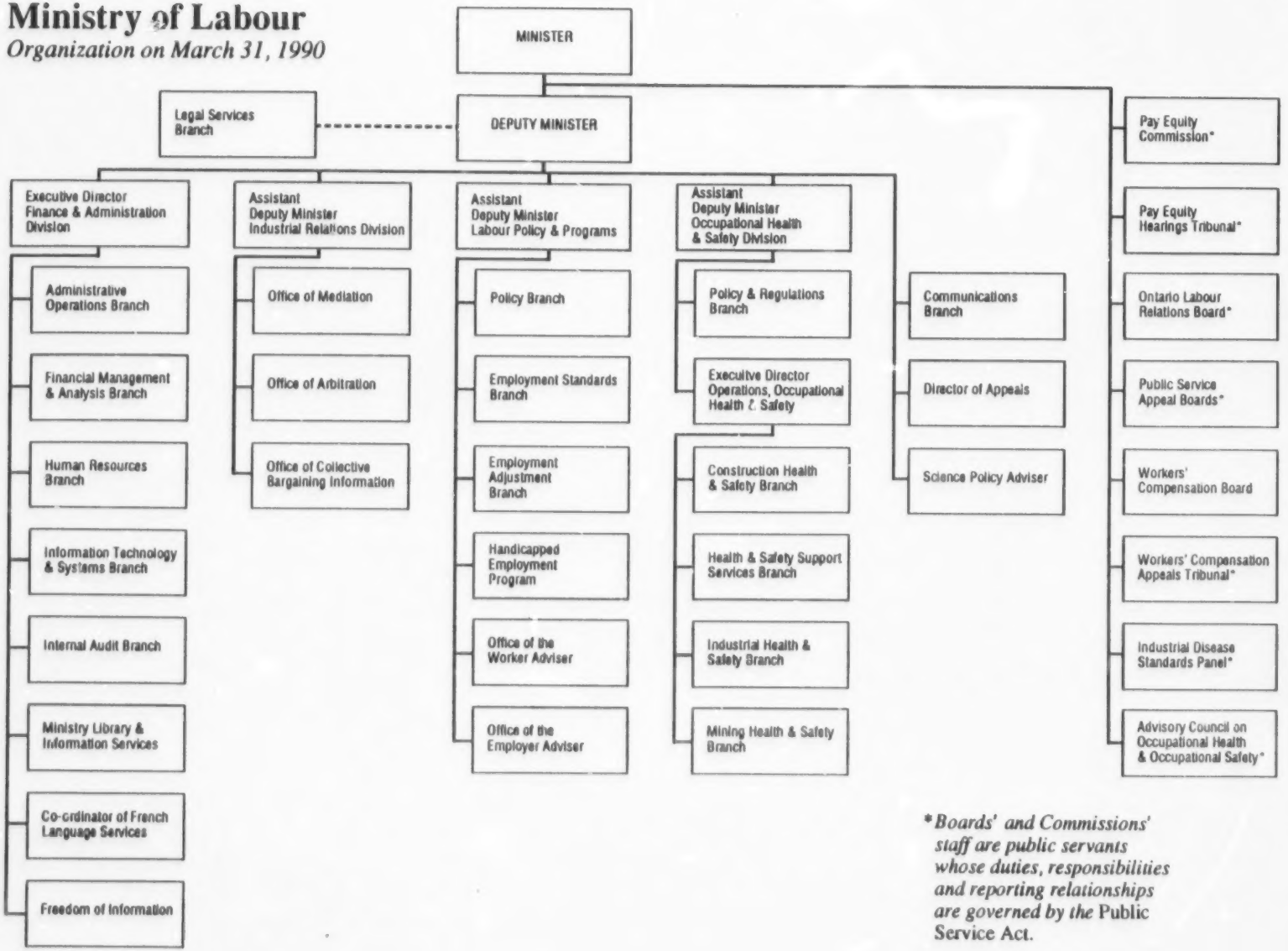
Inspections Conducted	68,827
Orders Issued	79,659
Stop-work Orders Issued	3,737
Prosecutions Undertaken	514
Chest X-rays Conducted	24,382
Pulmonary Function Tests Performed	23,050
Laboratory Analyses Done	80,556

* *The provincial laws administered by the Ontario Ministry of Labour and the agencies, boards and commissions that report to the Legislative Assembly through the Minister of Labour, cover approximately 4.1 million workers at approximately 246,600 workplaces in Ontario. Federal law covers approximately 450,000 workers in Ontario who work in federally regulated sectors.*

** *Summary data reflect both claim files and routine investigations.*

Ministry of Labour

Organization on March 31, 1990


MINISTER
DEPUTY MINISTER
Legal Services Branch
Executive Director Finance & Administration Division
Administrative Operations Branch
Financial Management & Analysis Branch
Human Resources Branch
Information Technology & Systems Branch
Internal Audit Branch
Ministry Library & Information Services
Co-ordinator of French Language Services
Freedom of Information
Assistant Deputy Minister Industrial Relations Division
Office of Mediation
Office of Arbitration
Office of Collective Bargaining Information
Assistant Deputy Minister Labour Policy & Programs
Policy Branch
Employment Standards Branch
Employment Adjustment Branch
Handicapped Employment Program
Office of the Worker Adviser
Office of the Employer Adviser
Assistant Deputy Minister Occupational Health & Safety Division
Policy & Regulations Branch
Executive Director Operations, Occupational Health & Safety
Construction Health & Safety Branch
Health & Safety Support Services Branch
Industrial Health & Safety Branch
Mining Health & Safety Branch
Communications Branch
Director of Appeals
Science Policy Adviser
Pay Equity Commission*
Pay Equity Hearings Tribunal*
Ontario Labour Relations Board*
Public Service Appeal Boards*
Workers' Compensation Board
Workers' Compensation Appeals Tribunal*
Industrial Disease Standards Panel*
Advisory Council on Occupational Health & Occupational Safety*

**Boards' and Commissions' staff are public servants whose duties, responsibilities and reporting relationships are governed by the* Public Service Act.

Industrial Relations Division

L.V. Pathe, Assistant Deputy Minister

The role of the Industrial Relations Division is to promote harmonious relations between employers and employees in order to help ensure a stable labour relations climate in the province by:

Encouraging effective bargaining as contemplated by the *Labour Relations Act*

Promoting peaceful settlements through conciliation and mediation services

Providing, where necessary, preventive mediation assistance to labour and management during the term of a collective agreement

Facilitating the processes of grievance and interest arbitration in accordance with the intention of the *Labour Relations Act* and the *Hospital Labour Disputes Arbitration Act*

Collecting and analysing collective bargaining information for use by the ministry and the industrial relations community.

The objective is pursued through program administration, the Office of Collective Bargaining Information, the Office of Mediation and the Office of Arbitration.

The assistant deputy minister is responsible for directing and co-ordinating the activities of the Industrial Relations Division.

Labour Management Advisory Committee

The Labour Management Advisory Committee is responsible for advising the minister about persons qualified to act as arbitrators and on matters relating to the arbitration process.

Construction Industry Advisory Board

The Construction Industry Advisory Board advises the minister of issues of common concern to labour and management in the construction industry.

Office of Collective Bargaining Information

Catherine Winter
Administrator

L. Haywood
Chief Economist

The Office of Collective Bargaining Information, an important resource for the labour-management community, collects and provides information, data and analyses on collective agreements, negotiated wages and benefits, and a range of matters related to labour relations and collective bargaining. The office also maintains, for public and government use, an up-to-date file of all collective agreements covering Ontario employees.

The office is equipped with an automated industrial relations information system (IRIS) to provide quick responses to a wide

range of requests from labour, management and government.

In 1989/90, the office:

Responded to more than 5,000 requests for information on collective bargaining

In addition to creating special reports, published regular reports, including:

- *Collective Bargaining Settlements in Ontario,* a monthly publication that summarizes all settlements covering 200 or more employees
- *Wage Developments in Collective Bargaining Settlements in Ontario,* an analytical report of wage developments emerging from settlements covering 200 or more employees; arranged by industry sector and issued quarterly
- *Collective Bargaining Expirations,* an annual report on the collective agreements scheduled to expire during the year
- *Ontario Collective Bargaining Review,* an annual review of collective bargaining developments; includes a description of the economic climate in which the bargaining took place and analyses of such features as extent of bargaining and duration of negotiations
- *Work Stoppages by Industry in Ontario,* a monthly report on strikes and lock-outs in the province
- *Wages for Selected Occupations in the Ontario Construction Industry,* a report on wage rates for selected occupations in the industrial, commercial and institutional sector of the construction industry in Ontario.

Office of Mediation

Romain C. Verheyen
Director

The goal of the Office of Mediation, which operates under the *Labour Relations Act,* is to foster harmonious labour relations both by promoting peaceful settlements of collective bargaining disputes through conciliation and mediation and by providing preventive mediation assistance to labour and management during the term of a collective agreement.

In 1989/90:

Conciliation officers disposed of 2,771 assignments, compared with 2,734 the previous year

Remedial mediation dispositions totalled 1,152 assignments, of which 100 involved a work stoppage

Mediators played a preventive role in 555 assignments, compared with 200 assignments disposed of in 1988/89.

Conciliation Activity

	1989/90		1988/89	
	Disputes	**Employees**	**Disputes**	**Employees**
Total Case Load	**3,425**	**387,658**	3,542	347,645
Carry-over from Previous Year	**808**	**47,661**	680	70,514
Assigned to Officers During Year	**2,617**	**339,997**	2,862	277,131
Dispositions by Officers	**2,771**	**271,891**	2,734	299,984
Settled During Conciliation				
Construction	**40**	**1,298**	65	5,582
Non-construction	**689**	**49,954**	789	56,176
No Board				
Construction	**455**	**13,552**	378	60,154
Non-construction	**1,320**	**191,323**	1,261	153,894
Lapsed or Withdrawn				
Construction	**75**	**994**	21	3,490
Non-construction	**192**	**14,770**	220	20,688
Assignments Pending at March 31	**654**	**115,767**	808	47,661

Preventive Mediation Activity

	1989/90		1988/89	
	Situations	**Employees**	**Situations**	**Employees**
Assignments Received and Disposed of by Officers	**555**	**142,905**	200	21,176

Remedial Mediation Activity (preliminary)

	1989/90						1988/89					
	Total		No Work Stoppage Involved		Work Stoppage Involved		Total		No Work Stoppage Involved		Work Stoppage Involved	
	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees
Total Case Load	1,303	151,514	1,093	129,248	210	22,266	959	198,248	812	148,169	147	50,079
Carry-over from Previous Years	151	14,609	137	12,776	14	1,833	136	14,597	107	11,508	29	3,089
Assigned to Officers During Year	1,152	136,905	956	116,472	196	20,433	823	183,651	705	136,661	118	46,990
Dispositions	856	115,014	756	102,488	100	12,526	808	183,639	675	135,393	133	48,246
Settled Prior to Mediation	112	14,712	94	12,794	18	1,918	39	6,195	37	6,171	2	24
Settled During Mediation	623	86,489	569	79,134	54	7,355	597	111,211	510	84,413	87	26,798
Settled Following Mediation	106	12,912	82	9,764	24	3,148	150	65,621	109	44,383	41	21,238
Lapsed	3	159	2	103	1	56	7	267	6	167	1	100
Closed by Mediator, No Further Action by Parties	12	742	9	693	3	49	11	191	10	175	1	16
Assignments Pending at March 31	447	36,500	337	26,760	110	9,740	151	14,609	137	12,776	14	1,833

Office of Arbitration

Jean M. Read
Director

The Office of Arbitration assists the minister in carrying out statutory responsibilities for constituting boards of arbitration and appointing single arbitrators under the *Labour Relations Act* and the *Hospital Labour Disputes Arbitration Act*. The office, which is responsible for receiving and processing requests from employers and trade unions for the appointment of arbitrators and nominees to boards of arbitration, identifies individuals qualified to act under ministerial appointment, provides administrative services to arbitrators, monitors the progress of arbitration proceedings and catalogues arbitration awards for public availability.

In association with the Minister of Labour's Labour-Management Advisory Committee, which advises the minister of matters pertaining to arbitration, the office maintains a roster of arbitrators and is actively involved in the training of prospective arbitrators. Through its staff of grievance mediators, the office provides grievance mediation assistance to labour and management.

The Office of Arbitration also has responsibility for co-ordinating appeals under the *Employment Standards Act*.

1989/90 Activities

The complement for fiscal 1989/90 was 28: a director, nine grievance mediators and 18 clerical and administrative staff. Total case load to be processed was 6,180. In addition, there were 4,131 mediation files, plus 1,553 awards received.

Labour Relations Act, Section 40(a).

At the request of trade unions attempting to establish new collective agreements, the minister appointed three nominees to represent employers on boards of arbitration and one arbitrator to chair a board.

Labour Relations Act, Section 44

The minister was involved in the appointment of 391 arbitrators for parties experiencing difficulty establishing a board of arbitration under terms of a collective agreement

At the request of parties requiring assistance in reaching mutual agreement on the appointment of an arbitrator, lists of five arbitrators were supplied on 400 occasions

At the request of parties to a dispute, the minister appointed 10 nominees to represent the other side on a board of arbitration.

Labour Relations Act, Section 45

The office received 3,665 requests for the appointment of single arbitrators to hear a dispute within 21 days; from these, the minister made 1,982 appointments

Grievance mediators were involved in 2,517 disputes. Of 2,343 files completed, 1,979 were resolved prior to a hearing, for a settlement rate of 84 per cent. Services of grievance mediators were also provided to parties proceeding to arbitration under the collective agreement. Of 1,614 cases assigned, 1,177 were completed and 861 resolved, for a settlement rate of 73 per cent.

Hospital Labour Disputes Arbitration Act

The minister was involved in the appointment of 96 arbitrators for parties in the health care field experiencing difficulties establishing boards of arbitration to make or renew a collective agreement

At the request of parties requiring assistance in reaching mutual agreement of the appointment of an arbitrator, lists of five arbitrators were supplied on 97 occasions.

Employment Standards Act

Two hundred thirteen referees were appointed through the office to hear appeals against Orders to Pay issued by the Employment Standards Branch.

Arbitrators: Applications for Approval/Development Program/Review

Of the 29 individuals who applied for approval as an arbitrator, two demonstrated experience in the field and were added to the minister's list and four were invited to attend the Arbitrator Development Program

The Arbitrator Development Program, designed to assist industrial relations professionals enter the grievance-arbitration field, was successfully completed by nine graduates, whose names were added to the minister's list of arbitrators available to hear rights disputes. The eight-month program includes two workshops and an internship

In 1988, the minister directed the Labour-Management Advisory Committee to develop a new list of arbitrators. Individuals wishing to be considered for inclusion were asked to provide evidence of demonstrated acceptability to labour and management during a three-year period. (Exceptions were made for arbitrators who had recently entered the field.) A list of 80 arbitrators was established July 1, 1989; all are required to maintain demonstrated acceptability, and their records will be reviewed regularly.

Awards

The office received and catalogued 1,553 awards, and the public purchased 11,036 pages.

Arbitration Activities

	1989/90						1988/89					
			Labour Relations Act						Labour Relations Act			
	Employ. Stds. Appeals	Hospital Labour Disputes Arb. Act	40(a)	Section 44	45*	Total	Employ. Stds. Appeals	Hospital Labour Disputes Arb. Act	40(a)	Section 44	45*	Total
Total Arbitration Case Load	350	570	3	1,041	4,216	6,180	311	459	4	888	3,855	5,517
Carry-over from Previous Year	112	256	0	381	551	1,300	83	201	1	336	614	1,235
Received During Current Year	238	314	3	660	3,665	4,880	228	258	3	552	3,241	4,282
Closed	115	184	3	316	3,419	4,037	199	203	4	507	3,304	4,217
Outstanding at Year-end	235	386	0	725	797	2,143	112	256	0	381	551	1,300
Breakdown of Activities												
Arbitrators/Referees Appointed or Arranged	213	96	1	391	1,982	2,683	187	92	4	293	1,712	2,288
Nominees Appointed	N/A	0	3	10	N/A	13	N/A	3	3	1	N/A	7
Panels Provided	N/A	97	0	400	N/A	497	N/A	122	0	296	N/A	418
Awards												
Total Filed	97	92	0	824	540	1,553	158	133	2	866	561	1,720
Total Purchased (No. Pages)	N/A	N/A	N/A	N/A	N/A	11,036	N/A	N/A	N/A	N/A	N/A	15,437

**Expedited grievance arbitration.*

Mediation Activities

	1989/90			1988/89		
	Voluntary	**S.45***	**Total**	**Voluntary**	**S.45***	**Total**
Mediation Assignments	**1,614**	**2,517**	**4,131**	1,471	2,002	3,473
Carry-over from Previous Year	**258**	**93**	**351**	146	101	247
Made During Current Year	**1,356**	**2,424**	**3,780**	1,325	1,901	3,226
Assignments Completed	**1,177**	**2,343**	**3,520**	1,154	1,909	3,063
Outstanding at Year-end	**437**	**174**	**611**	258	93	351
Mediation Settlements	**861**	**1,979**	**2,840**	963	1,543	2,506
Percentage of Settlements/ Assignments Completed	**73%**	**84%**	**81%**	83%	80%	82%

** Expedited grievance arbitration.*

Occupational Health and Safety Division

T.J. (Tim) Millard, Assistant Deputy Minister

Arthur Gladstone
Executive Director, Operations

The Occupational Health and Safety Division seeks to improve worker health and safety in Ontario workplaces by:

Identifying and reducing occupational risks

Providing an information, policy and legislative base that will facilitate and necessitate mutual and co-operative efforts of the workplace parties to reduce occupational health and safety risks

Advising, educating or training (as appropriate) all parties with respect to rights and responsibilities under the legislation.

1989/90 Activities

The division administers the *Occupational Health and Safety Act* and regulations made under the Act for: construction projects; mines and mining plants; industrial establishments; teachers and university academics; X-ray safety; offshore oil and gas drilling; firefighters' protective equipment; the inventory of chemical or biological agents for the purpose of identifying new agents being manufactured, imported or distributed; and 12 regulations for the control of exposure to toxic substances that have been designated under section 41 of the Act.

The assistant deputy minister is responsible for broad policy issues, legislative initiatives, and external relations for the division.

The executive director, operations, is responsible for the delivery of services, operations policy and related administrative issues for the division's three line branches and its support services branch.

The division was involved in the preparation and extensive consultations relating to the proposed amendments to the *Occupational Health and Safety Act,* Bill 208, which received second reading in the legislature in October 1989, and in clause-by-clause consideration by the Standing Committee on Resources Development, including province-wide hearings that concluded in February 1990. In addition, the division developed policies and procedures for the *Smoking in the Workplace Act,* which came into effect January 1, 1990.

Workplace Hazardous Materials Information System (WHMIS)

The Workplace Hazardous Materials Information System (WHMIS), the new national right-to-know legislation intended to ensure workers have the necessary information on the hazardous materials used in their workplaces, was in effect for the full year 1989/90. The division's implementation project concluded in May 1989, and responsibility for the administration and enforcement of this legislation has been delivered by the division's operating branches.

An Occupational Health and Safety Division

WHMIS co-ordinator was appointed on a secondment basis during the year to co-ordinate referrals of non-compliance with federal WHMIS regulations from both inside and outside Ontario; to assist in the development of Phase II WHMIS amendments to provincial and federal laws; to provide policy and enforcement advice to division field staff; to ensure the provision of training of ministry staff appointed as inspectors under the federal *Hazardous Products Act*; to provide advice on WHMIS to various client groups of the Ministry of Labour; and to compile both federal and provincial inspection statistics on WHMIS.

In 1989/90:

Staff of the division issued more than 6,500 non-compliance orders on WHMIS. (This covers orders by the three line branches: Construction Health and Safety, Industrial Health and Safety and Mining Health and Safety)

As the fiscal year came to a close, a memorandum of understanding with Consumer and Corporate Affairs Canada was signed by the Minister of Labour for Ontario. This signed memorandum and the subsequent appointment of ministry personnel as inspectors under the federal *Hazardous Products Act* now allow division staff to enforce the federal aspects of WHMIS in Ontario.

Areas Reporting to the Assistant Deputy Minister

Under the division's structure, two services and one unit report to the assistant deputy minister. These are the Information and Administrative Services Section, the Program Analysis and Evaluation Services Section, and the Prevention and Promotion Unit.

Information and Administrative Services Section

The Information and Administrative Services Section provides the division with centralized services that include co-ordination of systems development, support of the line branches' computer systems, word processing/desk-top publishing, editing and publications control.

In 1989/90, the section:

Co-ordinated the division's management information system study, and co-ordinated the developmental strategy of a communications network between head office and district offices

Continued to provide support to the field branches by maintaining the editing, coding and processing functions of inspection reports and notices of project; maintaining the filing systems of the Construction Health and Safety, Industrial Health and Safety and Mining Health and Safety branches; and providing information to the inspectorate for follow-up on inspections and investigations

Maintained the 'WHMIS Notification System', which was developed for the Occupational Health and Safety Division to automate the registration of importation of controlled materials in compliance with section 23 of the Controlled Products Regulation

Researched information for responses to freedom of information requests

Continued to provide technical and administrative support to various units within the Occupational Health and Safety Division, to the ministry and to external task forces through the operation of a word processing/desk-top publishing centre

Continued to edit, prepare, and co-ordinate for publication and to distribute all occupational health and safety materials for the division and general public, including the *Occupational Health and Safety Act*, regulations, guides, background documents and survey reports

Continued to maintain an information issues system by recording and distributing information on contentious issues relating to occupational hazards

Continued to maintain an inventory control of division publications and forms for supply to the field inspectors, division staff and the general public.

Program Analysis and Evaluation Services Section

In 1989/90, the section:

Co-ordinated the development and preparation of the 1990/91 estimates planning submission for the Occupational Health and Safety Division

Provided ongoing advice and guidance to the assistant deputy minister and executive director on the division's financial planning strategies

Provided assistance to division branches for ongoing fiscal planning, budgeting and monitoring

Prepared and monitored budgets for special expenditures within the division

Determined resource requirements arising from amendments to the *Occupational Health and Safety Act* (Bill 208)

Developed and reported on the progress of base review and expenditure reduction plans in accordance with Management Board directives

Provided assistance to division directors and senior management by conducting analyses as requested.

Prevention and Promotion Unit

This unit comprises three areas: the Occupational Health and Safety Advisory Service Section, the Division Training Unit and the Grants Administration Office. The Division Training Unit reports to the executive director, operations.

Occupational Health and Safety Advisory Service Section

The Occupational Health and Safety Advisory Service Section assists the minister in the matter of disputes concerning joint health and safety committees under section 8(14) of the *Occupational Health and Safety Act*. The service also receives requests for assistance directly from the workplace parties and the inspectorate branches of the Occupational Health and Safety Division.

In the role of a neutral third party, the section's mediator/adviser assists in resolving labour relations and health and safety disputes and in establishing joint health and safety committees and health and safety programs. Terms of reference for the structure and functioning of committees are jointly developed and agreed upon. Participants in the program usually attend seminars designed to build teamwork, self-reliance and harmonious relationships within the group.

In 1989/90:

Eleven disputes concerning joint health and safety committees under section 8(14) of the *Occupational Health and Safety Act* were mediated with settlements

Seven orders under section 8(3) were issued by the minister upon the joint

request of the workplace parties to approve the organization and structure of their joint health and safety committees

One hundred and fifty-two joint training seminars concerning the internal responsibility system and the *Occupational Health and Safety Act* were provided

Five special projects were conducted.

Case Load	1989/90	1988/89
Cases Handled by Advisers	286	283
Carry-over from Previous Year	71	67
Received and Completed	146	136
Active at Year-end	69	80

Division Training Unit

The Division Training Unit is responsible for planning, developing and delivering division-wide training programs and co-ordinating the development of branch training programs.

In 1989/90, the unit:

Developed and delivered a five-day training program on investigation skills

With the Health and Safety Support Services Branch, developed and delivered a five-day training program on occupational health fundamentals

Developed and delivered train-the-trainer seminars in the areas of respirators, self-contained breathing apparatus and the *Smoking in the Workplace Act*, thereby enabling line branch staff to train their own officers

Developed and delivered training programs on enforcing the *Smoking in the Workplace Act* and the *Provincial Offences Act*

Produced a computer-based training program on the Workplace Hazardous Materials Information System (WHMIS)

Co-ordinated the development and delivery of 11 training programs on individual designated substances and a seminar on stress management

Delivered to new field staff training programs on division orientation, the *Occupational Health and Safety Act*, division policies and procedures, and individual designated substances

Developed a program on critical incident stress

Produced, for public and external audiences, video programs on Bill 208, white finger vibration examination, and improving the internal responsibility system, and produced a public service announcement on the *Smoking in the Workplace Act*

Produced videos for internal ministry audiences: 'At the Scene' (critical incident stress), 'Orientation for New Employees', 'Strategic Planning', 'Bill 208', 'Labour Agenda' (three editions), 'Minister's Message to Staff', 'Strategic Planning', 'Dr. Ham on IRS', 'Cripps' Fatality' and 'Photo Evidence' (revision)

Maintained the audio-video library and service

Continued training health and safety co-ordinators from other ministries on the *Occupational Health and Safety Act*

Organized two training co-ordinator meetings and one two-day and one three-day session for exchanging information and developing training strategies.

Grants Administration Office

The Grants Administration Office continued to co-ordinate the allocation of transfer payment funds to organizations, institutions and individuals in support of professional training and development in the areas of occupational health and safety, including the funding of applied research projects and the provision of student bursaries.

A close liaison has been maintained with the province's five resource centres for occupational health and safety, with the Ontario Centre for Ground Control at Cambrian College (Sudbury) and with community-based information services in southern Ontario, including Etobicoke's Lakeshore Area Multi-service Project's occupational health and safety demonstration program (co-funded with the Ministry of Health).

In addition, a representative participated in ministry and interministry committee activities to promote and improve occupational health and safety in Ontario workplaces through awareness programs, information displays and training initiatives.

Policy and Regulations Branch

Norm Shulman
Director

The Policy and Regulations Branch, which reports to the assistant deputy minister, is composed of four areas: the Health and Safety Studies Unit, the Strategic Policy and Analysis Unit, the Health and Safety Regulations Unit and the Compliance Reporting Unit.

A major undertaking of the branch during 1989/90 was the continued development and the introduction of Bill 208, an *Act to Amend the Occupational Health and Safety Act and the Workers' Compensation Act.*

Health and Safety Studies Unit*

The Health and Safety Studies Unit supports the programs of the Occupational Health and Safety Division and the provincial Ministry of the Environment. Upon request, support has also been provided to other ministries and agencies, among them the ministries of the Solicitor General, Housing, and Health; the Workers' Compensation Board; and, co-operatively, the Atomic Energy Control Board and several federal/provincial committees.

Support is supplied by the provision of advice on and research into conditions that could result in occupational and environmental health hazards.

In 1989/90, the unit:

Investigated the cancer incidence in a synthetic textile fibre plant

In collaboration with the Ergonomics Unit of the Health and Safety Support Services Branch, investigated repetitive strain injuries at an electric motor-manufacturing plant

Investigated the incidence of cancer in a bakery

Initiated a study of miscarriage rates among staff in a government ministry

Studied the incidence of cancer in a pharmaceutical plant

Investigated the incidence of cancer among current and former electrical transformer plant workers

Ended Phase II and began Phase III of a mortality study of Ontario's 55,000 underground miners, 20,000 of whom are uranium miners

**In February 1990, the unit's name was changed from the Health Studies Service.*

Began a mortality study of workers at a thorium extraction plant

Completed a study of the complications of pregnancy at a plastic automobile parts manufacturer

Assisted in setting up a study of indoor air quality in selected government offices being conducted by the University of Toronto's Centre for Indoor Air Quality Research.

Staff of the unit participated as members of:

The Ministry of the Environment's Multi-media Standard Committee on Lead

The Interministry Committee on AIDS

The Standard-setting Subcommittee of the Ministry of the Environment's Air Resources Branch

The Ontario Pesticide Advisory Committee

The Task Force on Exposure Limits and Values of the Joint Steering Committee (JSC) on Hazardous Substances

The JSC's Task Force on Biomedical Surveillance

The steering committee investigating health concerns of staff at St. Bruno's school and residents of the Frankel/Lambert neighbourhood (Toronto).

In addition to these activities, the unit provided the ministries of Labour and the Environment with a number of reports on the health effects of chemicals. Unit staff testified in court proceedings as expert witnesses and provided advice to ministry line branches.

Strategic Policy and Analysis Unit*

The Strategic Policy and Analysis Unit identifies and develops strategic policies and priorities for the division and co-ordinates the development of division-wide policies. The Research and Analysis Section of the unit is responsible for performing statistical analyses relating to workplace injury and illness.

In 1989/90, the unit:

Participated in the development of Bill 208, an *Act to Amend the Occupational Health and Safety Act and the Workers' Compensation Act*. Activities included:

- Consulting with stake-holder groups following first reading of the bill
- Analysing issues arising from consultations and developing policy options to address stake-holder concerns
- Preparing materials for second reading
- Analysing briefs submitted to the Standing Committee on Resources Development
- Developing policy options for amendments to the bill
- Preparing a clause-by-clause analysis of proposed amendments
- Being involved in ongoing consultation, policy development and policy support for the legislative process

** In February 1990, the Economic Analysis Group was transferred from the Program Development Unit to the Strategic Policy Unit and its name was changed to the Research and Analysis Section. The Strategic Policy Unit was renamed the Strategic Policy and Analysis Unit.*

Continued participation in the development of national policy relating to WHMIS through participation in the Intergovernmental WHMIS Co-ordinating Committee reviewing and ruling on interpretation of federal and provincial WHMIS legislation, policies and implementation issues

Participated in the second phase of WHMIS, following its initial period of implementation, by:

- Participating in the tripartite Current Issues Committee recommending changes to WHMIS legislation
- Participating in tripartite committees reviewing the products currently excluded from WHMIS and developing policy recommendations for amending the current legislation: the Senior Advisory Committee; the General Exclusions Sectoral Committee; and seven subcommittees discussing specific products (explosives; foods, drugs, cosmetics and medical devices; radioactive materials; hazardous waste; restricted consumer products; wood and wood products; and manufactured articles)

Continued participation in the implementation of WHMIS in Ontario by:

- Developing and completing the Memorandum of Understanding between Ontario and the federal government enabling Ontario to enforce the federal aspects of WHMIS in provincial workplaces
- Liaising with the provincial Freedom of Information and Privacy Branch concerning changes to legislation to ensure that trade secrets provided to Ontario officials under WHMIS remain confidential
- Participating in a ministry committee to advise on policy and technical issues identified by the WHMIS co-ordinator and inspectorate
- Making presentations to client groups and continuing to respond to inquiries from the public in order to increase awareness and understanding of WHMIS

Continued as the Ontario representative on the board of governors for the Hazardous Materials Information Review Commission

Continued participation in the development of provincial policy and regulatory framework for biotechnology by:

- Chairing an interministry committee to review and analyse stake-holders' responses to the green paper on biotechnology and to develop regulatory policy on biotechnology
- Directing a public hearing on the green paper
- Preparing a compendium and summary of stake-holders' responses to the green paper

Provided policy research and secretarial support to the Indoor Air Quality Policy Development Committee

Co-ordinated and prepared Ontario's responses to three International Labour Organization documents

Co-ordinated and prepared the ministry's response to the report on Canadian jurisdictions' training and certification of occupational health and safety professionals

Co-authored a background paper on workplace trends and their implications

Analysed survey results from the *Canada Health Monitor*, and proposed and helped develop survey themes

Provided Policy Branch with papers on other jurisdictions' occupational health and safety legislation and with direction on the division's needs

Participated in the Industrial Health and Safety Branch's Field Operations Improvement Program by:

- Preparing a first draft of sector summary sheets
- Providing union statistics and identifying stake-holders and sector hazards

Assisted in the preparation of the ministry's response to the Ministry of Health's consultation paper, 'Health Care Information Access and Privacy Legislation'

Prepared a draft guide to the division for public release as part of a promotion strategy

Prepared summaries or critical reviews of publications and reports from other agencies and jurisdictions.

Research and Analysis Section

The Research and Analysis Section (previously the Economic Analysis Group of the Program Development Unit) participates in the policy- and regulation-making process by providing information on compliance costs and benefits and preparing potential economic impact assessments of proposed regulations on affected industries. The section was transferred to the Strategic Policy and Analysis Unit on February 5, 1990, and renamed the Research and Analysis Section, with responsibility to provide statistical data on the incidence and characteristics of work-related fatalities, injuries and illnesses and other socio-economic statistics for use in the development of policies and programs for safer and more healthful workplaces.

In 1989/90, the section:

Participated in the program of studies being conducted by the Ministry of the Environment to determine the economic implications of the Municipal Industrial Strategy for Abatement (MISA) program for water quality control and revisions to Regulation 308 (air pollution control)

Reviewed cabinet submissions and prepared briefing notes on effluent-monitoring regulations and supporting background documents prepared by the Ministry of the Environment under the MISA program

Prepared detailed quarterly analytical reports of labour market developments and economic conditions in Ontario and the possible linkages with trends in workplace injuries and illnesses

Continued to develop background information and collect statistics on the profile of small businesses in Ontario, with a view to assessing the financial and economic impact of regulations on small businesses

Responded to requests, both internal and external, for data on workplace injuries and illnesses, injury frequency rates, economic and financial statistics and other socio-economic data

Published and distributed 'Facts and Figures', a report containing frequently used occupational health and safety statistics.

Health and Safety Regulations Unit*

Health Section (formerly Program Development Unit)

The principal responsibilities of the Health Section are to provide background information for and to co-ordinate the development of regulations for hazardous substances (including designated substance regulations). In addition, analysts develop guidebooks and data sheets to assist the inspectorate and the public in the implementation of the regulations. They also participate in the training of inspectors.

In 1989/90, the section:

Continued work on the development of proposed amendments to the X-ray Safety Regulation, the Asbestos Regulation and the Regulation respecting Asbestos on Construction Projects and in Buildings and Repair Operations

Continued work on proposed regulations for silica on construction projects and in aggregate production, and on the following proposed regulations for the construction industry: for coal tar products, chromium, isocyanates and lead

Continued work on the development of draft guidelines for the safe handling of anti-neoplastic agents in biological safety cabinets

Continued to develop background information on epoxy resins, beryllium and chlorophenols

Began work on amendments to the Regulation respecting Control of Exposure to Biological or Chemical Agents

In association with representatives from the dental professions, continued to evaluate nitrous oxide exposure in dental offices

In association with the Construction Safety Association of Ontario, collected background information on the control of exposure to noise, silica and chromium in the construction industry

Completed a study comparing the permissible exposure limits in the 1989 Occupational Safety and Health Agency (OSHA) Air Contaminants final rule with the exposure limits set out in the Regulation respecting Control of Exposure to Biological or Chemical Agents

Co-ordinated the development and implementation of division policy and procedures for the *Smoking in the Workplace Act*

With the Health and Safety Support Services Branch, began a review of the respirator codes in the designated substance regulations

Developed a guideline for training workers on matters relating to asbestos in buildings

Delivered training sessions for newly hired inspectors on the designated substance regulations for asbestos, asbestos on construction projects and in building and repair operations, lead, mercury, isocyanates, vinyl chloride, acrylonitrile, arsenic, ethylene oxide, benzene and silica

Acted as secretary and provided administrative and technical support to the Joint Steering Committee (JSC) on Hazardous Substances in the Workplace

Chaired and provided administrative and technical support to the JSC's Regulatory Framework and Classification Task Force

**In February 1990, the Program Development Unit and the Safety Regulations Unit were amalgamated and renamed the Health and Safety Regulations Unit. At the same time, the Economic Analysis Group, which had been part of the Program Development Unit, became part of the Strategic Policy and Analysis Unit.*

Provided administrative support to the JSC's Exposure Values and Limits Task Force.

Safety Section
(formerly Safety Regulations Unit)

The mission of the Safety Section is to contribute to the division's goal of improving worker health and safety by identifying priority safety hazards; developing operational policies and procedures, guidelines and regulations aimed at control of safety hazards; and facilitating the administration and assessment of division programs to secure compliance with regulations.

In 1989/90, the section:

Assisted external and internal communications by writing articles for magazines and editing *On Site*, the division's internal newsletter

Participated in an interministry committee to determine strategy to improve seat-belt use in Ontario

Provided technical expertise regarding occupational health and safety control strategies, regulations (e.g. for roll-over protective structures, window cleaning), personal protective equipment and standards to the line branches, Canadian Standards Association (CSA) committees, the Ontario Fire Service Advisory Committee, the Ontario Police Health and Safety Committee and the public

Provided secretariat support to the Ontario inquiry into health and safety in the pulp and paper industry

Developed a background paper on first aid, and a first aid regulation and guide

Developed an issues/options paper on workers working alone, and a working alone regulation and guide

Developed a discussion paper, 'Control of Safety Hazards in the Workplace', that outlines issues, objectives, a work plan and staffing to provide regulatory controls for safety hazards in the workplace

Assisted the development of an issues/ options paper regarding susceptible workers

Prepared a survey of hazard/information alerts used by other jurisdictions to communicate hazard information and control strategies.

Compliance Reporting Unit*

The Compliance Reporting Unit (CRU) evaluates the status of compliance with the *Occupational Health and Safety Act* and Regulations of companies seeking financial assistance from the Province and of companies applying to the Ministry of Natural Resources for licences to cut timber on Crown land. Comprehensive compliance profiles are then provided to the development corporation of the Ministry of Industry, Trade and Technology and, in the case of timber licences, to the Ministry of Natural Resources.

The CRU acts as an information link between other branches of the ministry and these companies in order to improve preventive measures and to promote awareness of and voluntary compliance with the Act and Regulations. The CRU also examines the compliance records of these companies with other legislation administered by the ministry and its agencies, including the *Employment Standards Act* and the *Labour Relations Act*.

This compliance-reporting program commenced in August 1987.

** Effective February 1990, the unit's name was changed from the Compliance Reporting Service.*

In 1989/90, the unit:

Analysed or reviewed the compliance performance of approximately 1,500 companies

Worked with the inspectorate of the ministry to effect improved compliance with the Act and Regulations and to strengthen the internal responsibility systems of companies receiving financial or other benefits from the Province

As a result of CRU evaluations, the Industrial Health and Safety Branch registered a number of operations for inspections

Notified the companies applying for financial or other assistance from the Province of the requirement under the Act to submit drawings of their proposed projects for review by the regional engineers of the ministry

Exchanged information with the Ministry of Natural Resources regarding companies applying for approximately 400 large commercial timber licences issued under the *Crown Timber Act*

Discussed with the Ministry of Industry, Trade and Technology the issue of potential financial liability in the case of agreements or payments terminated on the basis of non-compliance with the Act and Regulations.

Health and Safety Support Services Branch

Peter L. Pelmear, M.D., F.F.O.M., C.C.B.O.M.
Director

The objective of the Health and Safety Support Services Branch is to identify and reduce the risk of worker injury in the Ontario workplace through the contribution of expert knowledge on the recognition, evaluation and control of occupational health hazards. The branch's journal, *Occupational Health in Ontario*, is published under the direction of an editorial board.

1989/90 Activities

Branch staff contributed significantly to the interministry Policy Development Committee on Indoor Air Quality, to the interdivisional Technical/Policy Advisory Committee on WHMIS, in the development of division policy and procedures for the implementation of the *Smoking in the Workplace Act* (Bill 194) and in the organization of the division's second annual conference on science and public policy.

Resource Service

The Resource Service is composed of four units: Technical Support, Toxicology, Statistics and Analysis, and Training and Staff Development. Through these units, the service:

Provided medical, scientific and technical guidance on occupational health and safety matters

Provided toxicological advice on chemical and biological agents

Processed the branch field investigation reports for data computerization; processed branch program delivery data and turnaround statistics; managed health and safety data base systems; and provided statistical analyses and interpretation of health effects, exposure and engineering data

Co-ordinated human resource development and training programs for branch staff.

In addition, the service:

Recommended and updated 16 working exposure guidelines for chemical and biological agents

Co-ordinated field research studies and promoted collaborative research with other agencies or organizations

Prepared and distributed to branch staff health and safety resource materials such as guidance notes and question/answer circulars

Provided advice and input concerning the development and formulation of regulatory strategies and policies for the identification, evaluation and control of chemical, physical and biological agents

Evaluated the notifications of new chemicals introduced in Ontario workplaces as required by section 21 of the Act (159 reviews in 1989/90).

Sources of Resource Service Visit Requests	
Carry-over from 1988/89	1
Construction Health and Safety Branch	28
Total	**29**

Occupational Health Medical Service

Medical Consultants

The medical consultants work with the industrial, construction and mining inspectors, as well as with other members of the branch, to investigate situations where health hazards may exist, to evaluate occupational health services and to advise on the establishment of medical surveillance programs. The physicians also act as consultants to the Workers' Compensation Board, hospitals and family physicians. In 1989/90, 785 field visits and 184 joint visits were carried out, and comments on 294 air quality reports were made.

Sources of Physician Visit Requests	
Carry-over from 1988/89	160
Industrial Health and Safety Branch	166
Health and Safety Support Services Branch	177
Construction Health and Safety Branch	10
Mining Health and Safety Branch	2
Workers' Compensation Board	397
Company	6
Other	27
Total	**945**

Nurse Consultants

The nurse consultants visit industries and institutions to audit designated substances medical surveillance programs, to promote occupational health and employee assistance programs, and to encourage the expansion and upgrading of existing programs. In 1989/90, 934 field visits were completed.

Sources of Nurse Consultant Visit Requests	
Carry-over from 1988/89	139
Industrial Health and Safety Branch	37
Health and Safety Support Services Branch	821
Construction Health and Safety Branch	4
Mining Health and Safety Branch	1
Workers' Compensation Board	1
Company	55
Other	15
Total	**1,073**

Medical Service Chest Clinics

The Medical Service Chest Clinics provided medical surveillance testing for workers, using both mobile and stationary units; gave instruction to industrial lung function technicians; and performed chest X-ray, pulmonary function and hand-arm vibration syndrome investigations for compensation claimants in Ontario.

In 1989/90, the chest clinics:

Supported the work of examining physicians by conducting chest X-ray examinations and lung function tests (forced expired spirometry) as required by regulations for the surveillance of workers exposed to the designated substances free silica and asbestos. Also conducted such tests on workers potentially exposed to beryllium, hard metal, nepheline syenite and cadmium

Offered continuing chest X-ray and pulmonary function testing facilities to workers who had previously been exposed to fibrogenic dusts but were no longer in exposure

Provided on-site mobile occupational health surveillance service to mines in Northern Ontario

Continued a survey for respiratory morbidity among Ontario sheet-metal workers as part of an international project

Completed a survey of Ontario workers exposed to cobalt, and tungsten carbide dust

Provided teaching staff resources and facilities for the University of Toronto's School of Continuing Studies' biannual course, 'Pulmonary Function Testing in Industry'

Continued to operate for occupational chest physicians a Canada-wide quality control project for chest X-ray readers using the International Labour Office standards for classifying radiographs of pneumoconioses

Expanded the scope of laboratory and professional services for the detailed testing of workers under investigation for hand-arm vibration syndrome

Helped prepare occupational physicians for fellowship examinations.

X-rays

Exposure Group	Number of Workers
Silica Mines	9,158
Silica Foundry	3,826
Silica Others	3,911
Asbestos	2,332
Asbestos/Silica (Combined)	1,780
Others (Ex-workers, WCB Claimants, Construction Registry Examinees)	3,375
Total Workers Examined	**24,382**

Pulmonary Function Tests

Exposure Group	Number of Workers	Number of Abnormal Results	Per Cent of Total Tested
Silica Mines	9,077	281	3.1
Silica Foundry	3,877	163	4.2
Silica Others	3,925	141	3.6
Asbestos	2,404	120	5.0
Asbestos/Silica	1,782	78	4.4
Others	1,985	306	15.4
Total	**23,050**	**1,089**	

Silicosis

Diagnosis	Previously Reported	Newly Diagnosed	Total
Silicosis	65	16*	81
Complicated Silicosis	0	0	0
Total	**65**	**16**	**81**

**Includes 11 from mines; 2 of the newly diagnosed cases were discovered by the ex-workers' continuing surveillance program.*

Radiological Evidence of Asbestosis

Exposure Group	Previously Reported	Newly Diagnosed	Total
Asbestos	10	1	11
Asbestos/Silica	6	5*	11
Total	**16**	**6**	**22****

** 3 of these cases were discovered by the ex-workers' continuing surveillance program.*

*** Of 4,112 asbestos-exposed workers.*

Chest Clinics: Results and Findings

	Previously Reported	Newly Diagnosed
Cases of Silicosis	65	16
Cases of Asbestosis	16	6
Cases of Dust Effects	61	26
Cases of Other Pneumoconioses	5	0
Neoplasms	12	3
Non-TB Infective Processes	6	0
TB	5	0
Sarcoidosis	30	13

Chest Clinics: Activities

Clinic Location	Number of Workers	Number of Chest X-rays	Number of Pulmonary Function Tests
Elliot Lake	1,761	1,761	1,761
Kirkland Lake*	801	801	710
Sudbury	3,625	3,625	2,603
Timmins	2,454	2,454	2,454
Thunder Bay*	2,309	2,309	2,273
Toronto	13,432	13,432	13,249
Total	**24,382**	**24,382**	**23,050**

** Clinics closed. Numbers indicate tests performed by our mobile service and include films and tracings from outside sources in these areas that were forwarded to the Sudbury clinic for interpretation and reporting purposes.*

Occupational Health Hygiene Service

The primary activity of this service is to recognize, evaluate and ensure control of occupational health hazards. The service is responsible for evaluating and advising on the industrial hygiene, engineering and ergonomic aspects of occupational health problems. Within this service, field investigations are carried out by occupational hygiene or ergonomics consultants.

In 1989/90, 2,029 hygiene field visits, 246 ergonomic field visits and 184 joint visits were carried out. Comments on 825 air quality reports were provided.

Sources of Hygienist Visit Requests

Carry-over from 1988/89	455
Industrial Health and Safety Branch	1,351
Health and Safety Support Services Branch	533
Construction Health and Safety Branch	70
Mining Health and Safety Branch	27
Workers' Compensation Board	10
Company	22
Other	16
Total	**2,484**

Sources of Ergonomist Visit Requests	
Carry-over from 1988/89	27
Industrial Health and Safety Branch	166
Health and Safety Support Services Branch	60
Mining Health and Safety Branch	1
Company	6
Other	13
Total	**273**

Sources of Joint Service Visit Requests	
Carry-over from 1988/89	43
Industrial Health and Safety Branch	101
Health and Safety Support Services Branch	65
Construction Health and Safety Branch	2
Mining Health and Safety Branch	2
Workers' Compensation Board	4
Company	2
Other	8
Total	**227**

Summary of Field Visit Requests

	Carry-over from 1988/89	New Requests	Outstanding
Physicians	160	785	105
Nurses	139	934	70
Hygienists	455	2,021	328
Ergonomists	27	246	47
Pre-development Review	14	8	1
Resource Service	1	28	4
Radiation Protection Service	8	375	119
Occupational Health Technicians	343	1,119	320
Joint	43	184	29
Total	**1,190**	**5,700**	**1,023**

Occupational Health Laboratory

Laboratory staff and field technicians provide analytical and air-sampling services for the ministry, clinical analyses for physicians and method development for future needs.

In 1989/90, the laboratory:

Completed the changeover to computer-based sample logging, report writing and office correspondence

Enhanced the WHMIS information system for the laboratory

Participated heavily in the review of the activity of government laboratories

Developed several analytical methods for hazardous substances

Maintained the quality assurance programs offered by:

- The Centers for Disease Control, Atlanta (monthly): blood lead
- The Quebec Centre for Toxicology, Laval University (every two months): blood lead and cadmium; urine cadmium, chromium, fluoride, mercury and arsenic
- The NIOSH Proficiency Analytical Testing Program (PAT) (quarterly): lead, cadmium and zinc on filters; assorted solvents on charcoal
- The Industrial Toxicology Laboratory, West Allis Memorial Hospital, Wisconsin (every six months): blood lead
- The College of American Pathologists (CAP) (quarterly): blood lead
- The AIHA Bulk Asbestos Proficiency Testing Program

Provided samples to be tested by a number of other Ontario laboratories for proficiency testing

Published two papers in scientific journals and submitted five others for publication.

Summary of Laboratory Analyses	
Clinical Samples	40,242
Material Samples	1,986
Air Samples	30,333
Physical Agents	7,995
Total	**80,556**
Samples Sent to Private Laboratories for Proficiency Testing	834

Radiation Protection Service

The Radiation Protection Service, with its consultants and laboratory staff, is the primary source of expertise on all matters concerning exposure to radiation. It evaluates and inspects control measures in workplaces and provides assistance to other ministries and agencies on exposure of the public to radiation in the environment. The service also provides radio-analytical and technical support to other provincial agencies involved in radiation surveillance programs and health studies related to the exposure of the public to radioactive isotopes.

1989/90 Activities

Ionizing Consultants

Enforced the Regulation respecting X-ray Safety through the review and registration of employers' X-ray sources (86), and through X-ray safety inspections (265)

Laboratory Analyses

	Physical Agents	Air Samples	Material Samples	Clinical Samples	Total
Acrylonitrile	0	22	0	0	22
Arsenic	0	0	8	0	8
Asbestos	381	0	404	0	785
Benzene	0	172	0	526	285
Coke Oven Emissions	0	4	0	0	4
Cristobalite	0	8	0	0	8
Ethylene Oxide	0	246	0	0	246
Isocyanates	0	493	0	0	493
Lead	0	453	8	21,250	21,711
Mercury	0	32	0	3,505	3,537
Silica (Quartz)	0	336	70	0	406
Vinyl Chloride	0	69	0	0	69
Other	7,614	28,498	1,496	14,961	52,569
Total	**7,995**	**30,333**	**1,986**	**40,242**	**80,556**

Continued a review and revision of the Regulation respecting X-Ray Safety (Ontario Regulation 632/86), working through an interbranch committee

Recruited, trained and placed (in the London area) an additional ionizing radiation consultant

Initiated collaboration with the Ministry of Health in X-ray worker safety inspections in human health care facilities

Co-operated with federal agencies in carrying out ionizing radiation inspections in the workplace and in computerizing provincial dosimetry and licence records

Participated with other agencies to calibrate radiation-measuring instruments

Delivered training sessions on radiation safety, inspection and dosimetry.

Non-ionizing Consultants

Investigated and enforced compliance with non-ionizing radiation guidelines for more than 260 radiation-emitting devices in 79 workplaces across the province. Field investigations included exposure of workers to lasers, microwaves and radiofrequency from industrial devices and processes

Provided information and advice in response to 617 specific inquiries about non-ionizing radiation. Approximately half of the inquiries (317) related to video-display terminals (VDTs). One hundred questions related to microwaves, and 72 to lasers. The balance included questions related to radiofrequency, extremely low frequency and optical radiation

Participated in teaching in university and community college programs, as well as in inspector-training courses and public information programs. Also collaborated in the production of the public information document, *Electric and Magnetic Fields and Your Health*, published by Health and Welfare Canada.

Environmental Consultants

Provided measurements, advice and consultation to the public and federal, provincial and municipal agencies on the assessment of the risk from radon both in houses and in the workplace. Continuing public concern about this issue resulted in numerous inquiries. Radon daughter measurements were carried out in 70 houses and workplaces

Conducted 130 environmental investigations

Staff participated in nuclear contingency planning and exercises associated with the Darlington and Fermi II nuclear power stations. The service, which is the lead group in the Provincial Ingestion Monitoring Organization, maintained a network of 90 environmental radiation monitors intended to assess the impact of a radiation release from nuclear plants in Ontario or across the U.S. border

Reviewed, for various government agencies, documents relating to environmental radioactivity

Staff participated with the Atomic Energy Control Board in joint compliance inspections of radioactive waste storage facilities and former uranium mine properties across Ontario to measure radiation levels and assess radiological risks

Continued to develop new methods of measurement, new-instrument evaluation and equipment calibration (an ongoing program)

Staff participated actively on various national and international working groups and committees. Maintained the quality assurance programs offered by the International Atomic Energy Agency, the U.S. Environmental Protection Agency and Health and Welfare Canada.

Sources of Radiation Protection Service Visits

Carry-over from 1988/89	119
Industrial Health and Safety Branch	13
Health and Safety Support Services Branch	397
Mining Health and Safety Branch	1
Construction Health and Safety Branch	2
Total	**532**

Summary of Radioanalytical Measurements by Sample

Type of Sample	Number of Measurements
Air	12
Air Filter	5,323
Air Filter Extracts	881
Milk	377
Precipitation	270
Radioiodine Cartridges	50
Radon Daughter Counting Equipment	209
Soil and Sediment	79
Swipes	617
Tritium Cells	149
Urine	682
Water	8,504
Miscellaneous	84
Total	**17,237**

Summary of Radioanalytical Measurements

Type of Measurement	Number of Measurements
Gamma	4,253
Gross Alpha	1,778
Gross Beta	5,953
Lead	228
Radium	1,355
Strontium	230
Thorium	276
Tritium	1,404
Uranium	1,095
Other Radionuclides	665
Total	**17,237**

Construction Health and Safety Branch

W.S. Melinyshyn, P.Eng.
Director

To promote the internal responsibility system towards a healthful and safe occupational environment on construction worksites in Ontario, the Construction Health and Safety Branch provides assistance to constructors, employers, supervisors and workers. Such assistance is provided through inspections, investigations, consultations and enforcement to control health and safety hazards on construction projects and in window-cleaning, tunnelling and commercial diving operations.

The branch has field staff located in 18 district offices throughout the province and is served by approximately 133 construction health and safety officers, managers and professional engineers. Administrative policy and services are provided by the branch's Toronto headquarters.

In 1989/90, the branch:

Made 40,599 inspections, which resulted in 38,808 orders issued

Investigated 1,051 accidents, of which 33 involved fatalities and another 277 were of a critical nature

Conducted 1,112 technical reviews and made 3,132 consultations in its efforts to ensure compliance by the work parties

Administered the Regulations for Construction Projects; the Regulation respecting Asbestos on Construction Projects and in Buildings and Repair Operations; and the Regulations respecting Workplace Hazardous Materials Information Systems (WHMIS), Diving, Window Cleaning, and Roll-over Protection Systems (ROPS)

Finalized revisions to the Regulations for Construction Projects for amendment

Finalized the development of the Small Contractor/Public Awareness Program to inform construction contractors, home owners and the general public about their major responsibilities under the *Occupational Health and Safety Act* and the Regulations

In close consultation with the Provincial Labour-Management Health and Safety Committee, building trades councils and trades unions, construction industry associations and the Construction Safety Association of Ontario, drafted amendments to the Regulations for Construction Projects, developing consensus and resolving issues common to industry and labour

Improved and adapted its program delivery to focus on areas that experienced a high incidence of contraventions and non-compliance of the Act and Regulations

Utilized its prosecution data management system to develop target criteria, focusing on high incidence and fatality areas, which resulted in a significant increase in fines

Employed its improved management information system to reinforce links between field offices and head office

Utilized its professional and technical staff to evaluate and determine acceptable equivalencies and variances, ensuring adequate protection for the work force while responding to innovative technology

Published a profile of construction safety in Ontario for distribution

Organized co-operative, interministry training strategies and enforcement programs with the Ministry of Skills Development, the Ministry of Consumer and Commercial Relations, the Ministry of Transportation and the Workers' Compensation Board

Continued implementation of its employment equity hiring strategies in recruiting inspectors, consistent with government strategies for renewal.

Construction Health and Safety Branch: Inspection and Fatality Data

	1989/90	1988/89
Workers in the Work Force	311,000 *	309,800
Projects/Establishments	21,585	26,156
Accidents Investigated	1,051	1,355
Fatalities Investigated	33	41
Refusals to Work Investigated	11	1
Complaints Investigated	1,998	2,142
Inspections	40,599	45,890
Orders Issued	38,808	48,165
Stop-work Orders Issued	2,048	2,321
Consultations	3,132 **	1,834
Technical Reviews	1,112	***
Case Prosecutions		
(Part III)	396	346
(Part I)	619	400
Convictions		
(Part III)	280	274
Fines	$1,496,804	$811,045

* *Total labour force.*
** *Includes engineering consultations.*
*** *Not reported.*

Industrial Health and Safety Branch

V. Pakalnis, P.Eng.
Director

The Industrial Health and Safety Branch serves all sectors covered under the *Occupational Health and Safety Act* (the Act), excluding construction and mining. This includes some 3.5 million workers in more than 150,000 workplaces. These workplaces are divided into 12 sectors: aerospace; automotive; education; electrical utilities; forestry; health care; manufacturing; petro-chemical; police, fire and security; public institutions; service, retail and communications; and steel.

The branch's mission is to reduce the risk of illness and injury in these workplaces. This is achieved through the administration and enforcement of the Act and Regulations for industrial establishments, through smoking in the workplace legislation, and through various regulations related to designated and toxic substances.

In addition to workplace inspections, the branch conducts investigations into fatalities, critical injuries, serious accidents, work refusals and complaints. The engineering staff of the branch provides technical support and reviews drawings of all new industrial establishments to ensure compliance with the Act and Regulations.

In 1989/90, the branch:

Conducted 25,446 inspections

Issued 37,026 orders, of which 1,600 were stop-work orders

Investigated 763 accidents, of which 43 involved fatalities and 309 were of a critical nature

Investigated 342 work refusals

Investigated 1,521 complaints and handled 131,593 telephone inquiries

Prepared engineering reviews of 2,528 sets of drawings for new establishments to ensure compliance with the Act

Prepared engineering reviews of the structural safety of recreational arenas: 204 were found to be structurally adequate and actively in use; six were ordered closed because of structural inadequacy; and repairs were required to correct structural deficiencies in 11 arenas

Chaired and provided technical advice to the section 11 tripartite committee established by the minister under the Act, to develop recommendations and report

on health and safety improvements in the pulp and paper industry

Continued discussions with interested parties regarding the development of regulations to address unique hazards within the health care sector

Continued discussions with representatives of the Logging Tripartite Committee to establish training standards and develop a modular training program and accreditation process to recognize the competence of skilled workers in the logging industry. A new regulation requiring mandatory training of loggers and skidders came into effect October 31, 1989

Developed a process to deal pro-actively with emerging issues. For example, a self-auditing checklist and information package concerning biomedical waste in the workplace was sent to hospitals. A similar package, this one concerning requirements for asbestos management programs, was developed and distributed to school boards

In conjunction with safety associations and manufacturers, developed a bilingual hazard alert on cable connectors. An accompanying multi-lingual poster was distributed to 23,000 Ontario workplaces

Issued guidelines for hot weather plans to all industries in the automotive sector

Consistent with employment equity recruitment strategies, recruited inspectors and engineers and provided extensive training programs to provide a full range of required skills and knowledge

Provided incumbent officers, engineers and management with training to enhance their existing knowledge and skills

Implemented a special 'hot-line' addressing telephone inquiries about the new smoking in the workplace legislation and provided information packages, on request

Researched and responded to freedom of information requests

Established a section 11 committee for the Ontario film and television industry and, in conjunction with the committee, developed a manual of good work practices for the industry. Provided information brochures on health and safety legislation in the film and television industry

With the firefighters' section 11 committee, continued to compile a manual of good work practices to supplement the existing Act and Regulations. Investigated and endorsed new protective clothing standards and drafted proposed standards for self-contained breathing apparatus and elevating devices in the fire service

Commenced implementation of the branch's Field Operations Improvement Plan, including the developing of a new work load management system for workplace inspections using a targeted approach based on accident rates and hazards in the workplace

Developed sector strategies for the forestry, automotive and health care sectors.

Industrial Health and Safety Branch: Inspection and Fatality Data

	1989/90	1988/89
Workers in the Work Force*	3,500,000	3,500,000
Projects/Establishments	150,000	150,000
Accidents Investigated	763	835
Fatalities	43	50
Refusals to Work Investigated	342	610
Complaints Investigated	1,521	1,523
Telephone Inquiries	131,593	131,316
Consultations	1,406	1,246
Appearances at Inquest or Trial	591	659
Other Investigations	3,379	3,440
Inspections	25,446	29,119
Orders Issued	37,026	37,961
Stop-work Orders Issued	1,600	1,657
Pre-development Review (Plans Review)	2,528	3,108
Case Prosecutions	104	149
Convictions	80	102
Fines	$590,000	$460,550
Revenue	$2,188,436	$1,815,305

**Updated work force figures. Source: Statistics Canada Labour Force Report and Employment, Earnings and Hours Report (January 1990).*

Mining Health and Safety Branch

P.V. Kivisto, P.Eng.
Director

The objective of the Mining Health and Safety Branch is to have workers and management in the Ontario mining industry achieve a safe and healthful occupational environment. Through active emphasis on the Internal Responsibility System (IRS), the branch encourages workplace parties to identify and control hazards in the workplace in a co-operative manner.

The branch administers the *Occupational Health and Safety Act*, R.S.O. 1980, C.321, Regulation 694 as amended by O.Reg. 258/87 and the Regulations for Mines and Mining Plants, the designated substances regulations, and Regulation 633/86 for oil, gas and related industries offshore.

The branch's activities apply to 191 underground mines; 59 open-pit mines; 6,738 sand and gravel pits and quarries; 46 metallurgical and ore-processing plants and laboratories; and 49 clay, shale and peat workings.

In 1989/90 the branch:

Carried out 2,782 inspections, resulting in 3,825 orders, 89 of which were stop-work orders

Investigated all fatalities and published reports of the investigations. During 1989/90, 11 fatalities were investigated, eight of which were under the jurisdiction of the mining regulations

Investigated 20 work refusals. Also investigated 209 complaints of unsafe or unhealthful conditions

Researched, analysed and prepared background information for the Mining Legislative Review Committee, covering the following areas: electricity; mine shaft hoisting and inspections; loading pockets; diesel exhaust measurements; arsenic in underground mines; radon in non-uranium mines; misfired explosives; worker inspectors; and hours of work

Conducted 942 tests of ropes for wire ductility and rope strength at the Wire Rope Testing Laboratory

Conducted working environment surveys to determine exposure to dust, gases, arsenopyrite and fumes

Conducted pre-development reviews of new mining process technology, the use of new methods of construction and equipment installation, major alterations of mining techniques and technology, and major additions and alterations for compliance with the Act and Regulations

Provided mine rescue training, with 700 participants involved in the mine rescue training program and 35 teams of seven competing in eight district mine rescue competitions. Mine rescue officers conducted 624 person-days of training. This total does not include extra district and provincial competition training or emergency assistance. Mine rescue teams responded to 61 emergencies

Through a joint industry/labour/ministry endeavour, developed an IRS training/ communication package and audit system

Organized co-operative research programs. The Ministry of Labour, through the Mining Health and Safety Branch, has entered into a number of co-operative research programs with the federal Department of Energy, Mines and Resources (Canada Centre for Mineral and Energy Technology) and the United States Bureau of Mines. These initiatives include programs and studies on wire rope and hoisting technology, the effects of extended hours of work, and rock mechanics and ground control

Published and widely distributed quarterly reports covering industry performance in such areas as incidents, accidents, fatalities, prosecutions and hazard notices

Conducted mine audits to evaluate the industry's ground control program and identify needed improvements

Maintained a computerized data base on unusual occurrences such as falls of ground and rockbursts, in order to identify trends, causes and preventive measures

Following an increase in fall-of-ground fatalities in 1989, the ministry issued a strict policy for ground support. In brief, the policy states that where ground support is normally intended to be used, it shall be installed as soon as possible; the support must be in place before any other activity is carried out that exposes a worker to unsupported ground

Construction on the new headquarters of the Mining Health and Safety Branch is well under way. It is anticipated that the new facility will be occupied in the fall of 1990. (The new address is 159 Cedar Street, Sudbury P3E 6A5.)

Mining Health and Safety Branch: Inspection and Fatality Data

	1989/90	1988/89
Mine Rescue Stations	7	8
Mine Rescue Substations	46	47
Miners Under Training in Mine Rescue	700	786
Wire Rope Tests	942	993
Revenue from Wire Rope Tests	$238,874	$268,800
Fatalities Investigated	11	13
Refusals to Work Investigated	20	17
Unusual Occurrences Reported	420	271
Hours Spent on Complaints Investigation	2,062	2,215
Pre-development Review	8,284	8,659
Inspection Reports	2,782	2,781
Orders Issued	3,825	4,378
Stop-work Orders	89	96
Prosecution Cases	14	15
Convictions	11	11
Fines	$100,000	$82,122

Mining Health and Safety Branch: Industry Statistics

	1989/90		1988/89	
	Operations	**Workers**	**Operations**	**Workers**
Underground Mines	**191**	**27,121**	203	26,428
Open-pit Mines	**59**	**3,277**	59	3,328
Quarries	**476**	**3,498**	471	3,404
Clay and Shale Pits	**27**	**435**	28	401
Sand and Gravel Pits	**6,262**	**8,273**	6,173	7,698
Peat Workings	**22**	**70**	22	79
Brine Wells	**1**	**—**	1	—
Metallurgical Plants	**33**	**4,775**	33	6,847
Metallurgical Labs	**13**	**448**	14	614
Aggregate Plants	**24**	**410**	25	425
Diamond Drilling Operations	**72**	**833**	68	452
Offshore Rigs	**8**	**55**	8	36
Total	**7,188**	**49,195**	7,105	49,532

Labour Policy And Programs

Gerald M. Duda, Assistant Deputy Minister *

Arthur Gladstone
Acting Executive Director
Labour Programs

The Assistant Deputy Minister of Labour Policy and Programs is responsible for the ministry's policy development activities and new legislative initiatives, and for monitoring existing programs and policies to determine their effectiveness. This monitoring includes overseeing the ministry's Policy Branch, which has a mandate to initiate, develop and co-ordinate policy activities as well as to co-ordinate and prepare ministerial correspondence and liaise with other ministries.

The assistant deputy minister is also responsible for the activities of the Employment Standards Branch, the Employment Adjustment Branch, the Handicapped Employment Program, the Office of the Employer Adviser and the Office of the Worker Adviser. Since November 1988, these five areas have reported to the acting executive director, labour programs.

Employment Standards Branch

P. Dutton
Director

The objective of the Employment Standards Branch is to ensure that people in the Ontario work force are protected with respect to minimum wage and working conditions through the active promotion of compliance and the enforcement of the following legislation:

The *Employment Standards Act*

The *Industrial Standards Act*

The *Employment Agencies Act*

The Fair Wage Schedules on contracts let by the provincial government.

1989/90 Activities

Employment Standards Act

The branch's primary day-to-day activities related to the servicing of complaints made under the *Employment Standards Act*. With respect to the legislation:

- The minimum wage was revised and the general rate was increased in October 1989 to $5.00 per hour
- Employees in hospitality and recreation industry establishments were exempted from the provisions granting retail employees the right to refuse Sunday work that they consider unreasonable
- Increased fine and penalty levels became effective March 31, 1990, under the Act (and under the other legislation administered by the Employment Standards Branch)

** Gerald M. Duda resigned from the Ministry of Labour March 31, 1990.*

- December 26 (Boxing Day) took effect as a paid public holiday following amendments to the Act (Bill 114) passed in 1988/89

Overall, 19,791 new claims were registered and 19,027 claims completed by officers, the latter claims made up of those carried over from the previous fiscal year and new ones received in 1989/90. Approximately 51 per cent of all claims completed by officers were handled within 60 days and 71 per cent within 90 days, and were either resolved at that level or sent for further enforcement or appeal activity

Owing to work load pressures from the number of claims, the branch completed only 51 preventive routine investigations, with $88,200 collected for 258 employees. Branch officers have, however, extended the scope of investigations where, in the course of investigating an individual claim, they become aware of potential violations involving other workers. In 1989/90, about 4,800 employees benefited from 361 such extended investigations. As a result of the investigation activity of the branch, $13,773,200 was collected on behalf of 21,148 employees

The branch received 867,181 telephone, written and personal inquiries, 28 per cent of which were received by a taped message system and the balance by central telephone information services and the regional offices. Some 27,323 personal interviews were carried out with walk-in clients

The part of the branch housed at 400 University Avenue, Toronto, was relocated to 40 Dundas Street West. The move resulted in a temporary disruption in telephone inquiry services. A trial modification of the taped message system resulted in fewer calls on that system in 1989/90

The branch distributed some 250,000 brochures (in French and English) to promote awareness of the *Employment Standards Act*. These included a guide to the *Employment Standards Act*, a brochure on employment standards for household domestics, a technical bulletin dealing with the notice and severance pay provisions of the Act and a guide to the *Employment Agencies Act*. Two new brochures issued were 'Public Holiday Provisions Under the *Employment Standards Act*' and 'Key Provisions Under the *Employment Standards Act* for Operators of Tourist Resorts and Hunting and Fishing Camps'

The branch conducted 222 public education seminars. Participants included employer representatives, employees, and students entering the work force

Clinics were held every second week at University Settlement House in Toronto to enable Chinese-speaking employees to make inquiries and initiate claims in their own language.

Investigative Activity

	Claim Files	
	1989/90	**1988/89**
New Claims Registered	**19,791**	19,492
Pending from Prior Fiscal Year	**3,213**	2,449
Total	**23,004**	21,941
Completed by Field Officers	**19,027**	18,312
Outstanding End of Fiscal Year	**3,632**	3,213
Number of Collections	**11,618**	11,411
Employees Benefited	**20,890**	24,572
Amount Collected ($000s)	**13,685 .0**	18,865.4 *

** Amount collected in 1988/89 was increased substantially by the settlement involving Dominion Stores Limited, Domgroup Ltd.*

General Inquiry and Information Activity

	1989/90	1988/89
Telephone Inquiries (Non-claim) Handled		
by staff	596,049	633,704
by electronic message	240,854	373,046
Letter Inquiries (Non-claim)		
Responded to	2,955	2,748
Personal Interviews Held	27,323	28,559
Total	867,181	1,038,057
Public Appearances and Employer Education Seminars Held	222	225

Appeals and Hearings

The *Employment Standards Act* provides for a review of an order issued by an employment standards officer against an employer. The appeal is heard by a referee selected from a panel of referees appointed by the minister. In 1989/90, 275 new applications for appeal were received.

Reviews requested by an employee under section 49 of the Act are carried out by a second officer. In 1989/90, 196 new applications for reviews were received.

The director may also appoint a referee to hold a hearing in situations where an

Collections by Standard (Claims and Preventive Inspections)

Standard	Amounts Collected ($000s)	($000s)	No. of Collections by Individual Standard		Employees Benefited Financially by Individual Standard	
	1989/90	1988/89	1989/90	1988/89	1989/90	1988/89
Minimum Wage	89.9	52.6	191	222	687	394
Overtime Pay	1,821.2	1,762.9	1,247	1,396	4,641	4,037
Public Holidays	526.7	320.6	558	573	1,802	2,077
Vacation Pay	2,703.8	4,018.1	8,746	8,623	15,608	25,738
Equal Pay for Equal Work	194.1	59.5	23	24	177	85
Benefits	27.4	1.8	23	10	106	10
Pregnancy Leave	64.7	23.5	24	13	24	13
Lie Detector	—	—	—	—	—	—
Termination Pay	2,691.7	3,167.1	2,737	2,568	3,248	5,003
Benefits During Notice Period	3.7	5.7	14	12	14	12
Severance Pay	2,901.6	6,460.4	191	138	678	2,143
Collection of Unpaid Wages	2,743.2	3,012.4	5,670	5,755	6,974	8,111
Fair Wage on Gov't. Contracts	5.2	2.5	10	14	17	25
Industrial Standards	—	0.1	—	1	—	1
Total	13,773.2	18,887.2	19,434	19,349	33,976	47,649

Note: Number of collections and employees benefited financially by individual standard will always be greater than actual branch total owing to collections under more than one standard. Also, a single claim received may have been lodged on behalf of more than one person.

employment standards officer has so recommended based on the opinion that an act has been committed or an agreement or arrangement made to defeat the purpose of the *Employment Standards Act*. One new case was initiated during the fiscal year.

Should an employer fail to pay moneys owed under an order to pay issued by an employment standards officer, the director may issue a certificate to be filed in a court of competent jurisdiction. The certificate is then enforceable as a judgement or order of court, pursuant to section 54 of the Act. In 1989/90, 333 such certificates were filed.

Permits and Approvals

The *Employment Standards Act* empowers the director to issue a permit authorizing hours of work in excess of eight hours in a day and 48 hours in a week. The director may also approve a regular workday of more than eight hours. The branch reviews requests for special excess-hours permits with the company and, if a bargaining agent exists, the union, before granting discretionary permits. The posting of a director's notice explaining rights and obligations under the hours of work provisions continued to be used as a means of bringing about compliance.

Industrial Standards Act

The *Industrial Standards Act* provides a means for employers and employees to establish jointly a schedule of working conditions that reflects the prevailing labour standards in their industry. Once enacted, the provisions of a schedule become mandatory for all who perform work as defined in the industry definition.

Four schedules covering approximately 342 employers and 6,550 employees are administered: Ladies' Dress and Sportswear Industry; Ladies' Cloak and Suit Industry; Men's and Boys' Clothing Industry; and the Fur Industry. The schedules are enforced by advisory committees made up of management and labour representatives who are knowledgeable and active in the specific industry sector.

Employment Agencies Act

The *Employment Agencies Act* is intended to provide protection to job applicants from unjust practices when they use 'permanent' employment agencies to assist them in finding work. Agencies are required to apply for and receive the appropriate licence before engaging in any placement activity. The four classes of licences specify occupational categories, and an agency can hold only one class.

Fair Wage on Government Contracts

The Fair Wage on Government Contracts program is designed to ensure that workers engaged on contracts awarded by government ministries for construction, building-cleaning, security and municipal road-building projects have a means to obtain the minimum standard of wages, hours of work and overtime pay provisions that prevail for their work classification in the area performed. Contractors bidding on government contracts also receive a measure of protection from unfair competition based on reduced labour costs.

Wage rates are reviewed each year and adjusted, when required, on the basis of industry settlements, consumer price index and consultation with industry.

The ministry initiated a review of the fair wage program during the fiscal year.

Agricultural Industry Advisory Committee

The Agricultural Industry Advisory Committee advises the minister on matters concerning both the application of employment standards legislation to agricultural workers and the development and modification of employment standards appropriate to the agricultural industry. The committee is composed of representatives of farm owners and farm workers, who meet as needed.

Employer Appeals (Section 50)

	1989/90	1988/89
Pending from Prior Fiscal Year	170	148
Intake	275	267
Results		
Order Confirmed	119	115
Employer Upheld	17	17
Other Varied	24	15
Settled Before Hearing	73	98
Total Finalized	233	245
Outstanding End of Fiscal Year	212	170

Claimant Reviews (Section 49)

	1989/90	1988/89
Pending from Prior Fiscal Year	57	67
Intake	196	156
Results		
Confirmed	110	113
Reversed	68	53
Outstanding End of Fiscal Year	75	57

Permits/Approvals

	1989/90	1988/89*
Total Excess Hours		
Permits	650	733
100 Hour	303	405
Special	347	328
Homeworker Permits	107	100
Averaging Approvals	107	159
Section 18 Approvals	210	288

** Figures reflect permits and approvals added for 1988/89 fiscal year that were processed after submission to annual report.*

Hearings (Section 51)

	1989/90	1988/89
Pending from Prior Fiscal Year	13	13
Initiated	1	4
Results		
Employer Found in Violation	1	4
Employer Found in Compliance	1	—
Settled Outside of Hearing	—	—
Total Finalized	2	4
Outstanding End of Fiscal Year	12	13

Court Action

	1989/90	1988/89
Case Prosecutions		
Finalized*	27	11
Convictions	9	6
Settled	9	1
Withdrawn	9	4
Section 54		
Certificates Filed	333	259

** Reporting is on a case basis; previous annual reporting was based on charges finalized.*

Employment Agency Licences

	Initial		Renewal		Total	
Class	1989/90	1988/89	1989/90	1988/89	1989/90	1988/89
A	290	315	1,077	891	1,367	1,206
B	0	2	6	7	6	9
C	0	3	2	2	2	5
D	6	6	19	21	25	27
Total	296	326	1,104	921	1,400	1,247
Revenue ($)					277,200	245,950

Fair Wage Schedules

	Number		Value ($)	
	1989/90	1988/89	1989/90	1988/89
Schedules Included in Contracts Let by Provincial Ministries:				
Construction	447	474	348,592,722	260,109,228
Building Cleaning and Security	119	161	3,659,513	5,942,349
Total	566	635	352,252,235	266,051,577
Schedules Updated	0	91	N/A	N/A

Industrial Standards

	1989/90	1988/89
Number of Active Schedules	4	4
Number Updated	0	1
Number Covered by Schedules		
Employers	342	400
Employees	6,550	8,300

Employment Adjustment Branch

Harry N. Shardlow
Director

The role of the Employment Adjustment Branch is to provide consultative assistance and adjustment services in plant closure and mass layoff situations. Financial assistance is provided for older workers, aged 55 to 64, who have no chance of finding new employment.

In 1989/90, the number of closures and reduced operations remained high, along

with the number of employees affected by them.

The number of employee counselling programs decreased, however, owing to the increase in private sector outplacement agencies used in closure situations and also to the funding of special groups to provide assistance to displaced workers in various sectors. In the latter part of the year, employee counselling programs were provided to a large number of workers affected by bankruptcies.

In 1989/90, the Ministry of Labour received approval to set up an advisory committee, composed of labour and business representatives, to examine the potential role of the ministry in the area of employee assistance programs. The ministry's anti-drug initiative is based on the recommendations of this committee's report, which was submitted to the ministry in March 1990. If approved, this project will be co-ordinated through the Employment Adjustment Branch and will consist of several initiatives to be funded over a three-year period.

In 1989/90, services of the branch included:

Monitoring large-scale cutbacks and closures in Ontario

Providing appropriate information and expertise to employers and employees and their representatives, to government, to community groups, and to other interested parties regarding the applicability of the *Employment Standards Act* and the legalities of sudden loss of employment

Mediating potential disputes between client groups so that official complaints under the Act are minimized

Providing statistical information to approximately 150 users in government and the private sector

Producing monthly reports on permanent and indefinite layoffs in Ontario

Participating in adjustment committees established by the federal government and the private sector

Establishing and monitoring adjustment programs to assist workers displaced in closures and downsizings

Conducting research on displaced workers who are non-participants of adjustment programs

Providing expertise on adjustment issues to governments, employers, unions, voluntary organizations, and professionals in the field who assist displaced workers

Administering the Program for Older Worker Adjustment (POWA), a joint federal/provincial program that provides financial assistance to older workers, aged 55 to 64, who lose their jobs because of major permanent layoffs and have no chance of finding new employment.

Statistics on Terminations (Min. 50 Employees)

	1989/90	1988/89
Termination Cases		
Full Closures	84	58
Partial Closures	19	15
Reduced Operations	51	25
Total	154	98
Employees		
Full Closures	11,518	6,915
Partial Closures	2,249	1,962
Reduced Operations	7,268	3,473
Total	21,035	12,350

Industrial Adjustment Committees		
	1989/90	1988/89
Committees Established	60	64
Employees Terminated in Cases Where Committees Established	8,990	10,745
Financial Commitment	$54,200	$76,130

Employee Counselling Program		
	1989/90	1988/89
Programs Established	35	22
Employees Participating	2,368	968

Handicapped Employment Program

Sandra Carpenter
Manager

The Handicapped Employment Program (HEP) promotes employment equity for people with disabilities.

It provides specific services as well as general information to job-seekers with disabilities, employers, communities and associations.

In 1989/90, the program accomplished the following:

Services to Job-Seekers

Gave grants to support the disability initiatives of five provincial organizations: Learning Disabilities Association of Ontario (LDAO), The Canadian Hearing Society, Dis-Abled Women's Network (DAWN) Toronto, Persons United for Self-Help (PUSH) Northwest, and Disabled Persons Working Together (DPWT)

Gave a grant to the Centre for Independent Living, Toronto (CILT), sponsors of the Access Connections Project, to produce 10 public service announcements. The 'Focus on Success' series will be syndicated to radio stations across the province. Each spot will showcase the talents and skills of people with disabilities who are successfully working

Continued to distribute *PROFiLE*, a role model magazine, and the handbook *Taking Aim: Job Search Strategies for People with Disabilities*, both available in English and French, in print and on audio-cassette. Total distribution to key target audiences province-wide now exceeds 32,500 for *PROFiLE* and 18,570 for *Taking Aim*

Co-sponsored, with Project Work, the research and publication of a resource manual on supported employment for people labelled with a mental handicap

Advised, in person, 128 job-seekers with disabilities.

Services to Employers

At the request of the Metropolitan Toronto Police College, conducted 12 Physical Demands Analysis (PDA) and Attitude Awareness seminars, with 360 staff sergeants (uniform and plain clothes officers) participating

Provided employment equity consulting services to 103 employer clients as well as ongoing information services to 398 employer contacts

Delivered 69 training seminars to employers from a mix of companies and organizations, including ministries of the provincial government

Developed a dual computer system

designed to link employers with qualified job-seekers with disabilities and to maintain inventory control

Sponsored, facilitated or attended 78 seminars, conferences or other events.

Services to Other Sectors

In recognition of the essential linkages needed to increase job opportunities for people with disabilities, HEP:

Continued to network and develop initiatives with:

- 33 vocational/rehabilitation organizations
- 45 government agencies
- four educational groups
- 30 labour organizations
- 24 consumer or self-help groups

Provided a grant to the Ontario Federation of Labour (OFL), which resulted in 'Focus on Ability', an in-depth employment equity guide for people with disabilities, produced to assist union leadership. A companion piece, 'Making It Happen', has been prepared by HEP for the OFL as a step-by-step pocket guide for all unionists

Sponsored, facilitated or attended 130 conferences, seminars or other events.

Services to Communities

In providing consultation and support to a variety of community initiatives, HEP:

Continued links and developments in 24 communities province-wide

Provided 29 organizations in communities across Ontario with 35 Summer Experience '89 employees to work on a wide variety of projects designed to increase employment opportunities for people with disabilities

Created a model Networking Project in Sault Ste. Marie involving input from 25 major organizations, agencies and self-help groups. To date, the project has included Summer Experience participation with five groups representing diverse disabilities, a networking session, two luncheons, presentations to three representational organizations and ongoing linkages with other local groups, all of whom have an impact on the employability of people with disabilities

Sponsored, facilitated or attended 50 seminars, conferences or other events

Provided staffed information displays at 11 events.

Information Services

HEP provided the following information services across Ontario:

Produced an updated resource list of program materials

Distributed more than 45,000 brochures and resource materials to representatives of all sectors

Gave out thousands of promotional buttons, bookmarks, brochures, carrier bags and other promotional materials at conferences, workshops, seminars and trade shows

Responded to more than 4,700 telephone inquiries related to resources, referral and problem-solving.

Policy Branch

Nicholas Ignatieff
Director

The Policy Branch provides the minister, senior ministry officials and the government with information, analysis and advice to assist and enable the ministry and government to develop policy positions, legislation and programs in the following areas:

- Terms and conditions of employment
- Industrial relations, rights and other legislative programs
- Occupational health and safety, and workers' compensation
- Labour markets and labour adjustment

In 1989/90, the branch:

- Completed Bill 194, *An Act to Restrict Smoking in the Workplace*
- Conducted a review of the minimum wage
- Participated in various interministry committees on pension reform
- Developed a regulation under the *Employment Standards Act* to exempt the hospitality industry from the Sunday worker protection provisions of Bill 114
- Participated in the consultations conducted by the Canadian Labour Market and Productivity Centre on the federal Labour Force Development Strategy
- Reviewed regulations dealing with notice of termination and severance pay
- Developed a draft regulation concerning the maximum hours provisions of the *Employment Standards Act* for commercial motor vehicle drivers covered by the hours of work regulations under the *Highway Traffic Act*
- Consulted with the Ministry of Community and Social Services on a wage policy for people with disabilities
- In conjunction with the Communications Branch, the Ontario Women's Directorate and the Ministry of Citizenship, undertook the development of information materials about workplace rights and responsibilities. These materials will be distributed in co-operation with community groups
- Represented the ministry on interministry committees concerning sexual assault, and provision of interpreter services
- Represented the ministry in various Canadian Association of Administrators of Labour Legislation committees, and participated in numerous public meetings to explain ministry policies and legislation
- Monitored legal cases under the *Charter of Rights and Freedoms* to ensure conformity of ministry legislation
- Reviewed Regulation 282 under the *Employment Standards Act* dealing with benefits plans to ensure conformity to the *Charter* and the *Human Rights Code*
- Prepared background materials to assist in the development of a comprehensive review of the *Employment Standards Act*
- Consulted with various labour and management groups concerning the *Employment Standards Act*, the *Labour Relations Act*, the *Crown Employees Collective Bargaining Act* and the *Hospital Labour Disputes Arbitration Act*

Participated in the ministry committee on freedom of information

Advised the minister concerning implementation of and amendments to the *Pay Equity Act*

Consulted with stake-holders about proposed amendments to the *Pay Equity Act*

Released a discussion paper on proposed amendments to the *Employment Standards Act* concerning unpaid family leave

Provided support during the legislature's consideration and passage of Bill 162, *An Act to Amend the Workers' Compensation Act*

Assisted in the development of Bill 208 on general reform of the *Occupational Health and Safety Act*

Prepared background materials and held several meetings with employers, labour groups and an interagency advisory group to assist in the development of a green paper on further workers' compensation reform

Conducted a review of the Fair Wage Program on Government Contracts

Assisted in the development of Bill 68, amendments to the *Insurance Act* (no-fault auto insurance)

Commissioned an independent review of the appeals process of the Workers' Compensation Appeals Tribunal

Assisted in the development of the first annual review of the implementation of the recommendations of the Agricultural Health and Safety Committee

Participated in various interministry committees dealing with such labour market issues as immigration, demographics and labour adjustment

Represented the ministry on review panels for applications to the Industry Research Program and Technology Adjustment Research Program of the Premier's Council on Technology

Led the negotiations with the federal government that resulted in the implementation in Ontario of the Program for Older Worker Adjustment

Launched studies on: comparison of Ontario's labour standards with those of other North American jurisdictions, four European countries and Japan; analysis of the linkages between various workplace practices and productivity at the plant level

Prepared analyses of changes in income distribution and wage distribution

Participated with the ministries of Skills Development; Education; Colleges and Universities; Industry, Trade and Technology; Community and Social Services; and Treasury and Economics in a review of labour market/human resource policies.

Office of the Worker Adviser

Odoardo Di Santo
Director

The Office of the Worker Adviser (OWA) serves Ontario's injured workers by assisting with all aspects of the workers' compensation process. Under section 86q of the amended *Workers' Compensation Act*, the office has a broad mandate, which includes five key elements:

- To advise injured workers of their rights under the *Workers' Compensation Act*, so that they will be able to represent themselves within the workers' compensation system

- To represent injured workers at all levels of the Workers' Compensation Board (WCB), at the Workers' Compensation Appeals Tribunal (WCAT) and, where applicable, beyond the tribunal

- To work with labour and injured-worker groups, with other organizations representing injured workers, and with members of the provincial parliament, acting as an information-resource service; and to support injured workers in their own representation work

- To identify operational problems in the workers' compensation system that may require changes to policies or procedures under existing legislation

- As part of the Ministry of Labour, to advise the minister on workers' compensation legislative initiatives.

The OWA's four advisory units, with 13 regional offices, provide service to injured workers in their geographic areas:

- Toronto Region Advisory Unit — offices in downtown Toronto and in Scarborough (also provides worker adviser services at the Downsview Rehabilitation Centre)

- West Toronto and Niagara Region Advisory Unit — offices in Weston, Mississauga and Hamilton

- Central Region Advisory Unit — offices in Kitchener, London, Ottawa and Windsor

- Northern Region Advisory Unit — offices in Sault Ste. Marie, Sudbury, Timmins and Thunder Bay.

There is also a Special Services Unit, which conducts and co-ordinates the ongoing legislative interpretation of the *Workers' Compensation Act*, carries out medical and legal research on specific complex issues and is responsible for workers' compensation training (internal and external).

1989/90 Activities

The Office of the Worker Adviser was involved in a ministry-initiated operational review to evaluate certain aspects of the branch and to set out recommendations to improve efficiency in operational and administrative program areas. Based on these recommendations, a work plan has been completed for implementation in the areas of case management, administration, information, education, research and policy. Implementation will also ensure a more equitable distribution of work load and resources among the 13 regional offices.

Client demand for service continued to be heavy. During the fiscal year, staff responded to 21,448 requests for service compared with 20,803 in 1988/89 and 15,073 in 1987/88.

The Mississauga office opened for business in January 1990.

Training and Outreach

The OWA continued to provide training to external workers' representatives, such as unions and assistants to MPPs, in order to encourage and support their assistance to injured workers. In this regard, the office:

Delivered more than 40 training and outreach sessions to external representatives, including two week-long

union schools in co-operation with the Canadian Labour Congress

Completed a province-wide survey of training needs for MPP constituency assistants

Updated 'Caseworkers' Guide to Workers' Compensation'

Prepared self-help material in four languages.

Policy Initiatives

From the outset, the OWA has attempted not only to advise and represent workers but also to analyse its case experiences with a view to improving the workers' compensation system. In this regard, it:

Continued to seek resolution to as many recurring problems as possible on a systemic basis in order to avoid the need for costly appeals. As well as working with the WCB, WCAT and the Office of the Employer Adviser, the OWA maintained ongoing consultation with injured-worker and labour organizations

Actively participated in the development of chronic-pain policy by the WCB. At the WCB, the OWA made submissions in response to the board's chronic-pain policy. The OWA also represented 10 workers in the board's section 86n review of tribunal decisions on chronic-pain compensation for temporary disability. These reviews are ongoing

Studied various aspects of WCAT procedures, with a view to simplifying them. In January 1989, revised WCAT procedures were introduced.

Development of Regulations to Bill 162

Analysed and commented on WCB discussion papers regarding the development of regulations under Bill 162, especially those concerning reinstatement and the integration of CPP disability benefits.

Other Initiatives

Participated in the February 1990 roundtable on occupational disease compensation sponsored by the Industrial Disease Standards Panel

Participated in the interagency committee on the WCB green paper

Commented on the WCB's new revenue strategy

Prepared a submission on pension supplements under section 135 of the *Workers' Compensation Act*.

Distribution of Cases over Type of Services Provided

	1989/90	1988/89
Cases Pending Brought Forward	3,186	3,172
Representation Cases Brought Forward	3,399	3,863
Total Cases Brought Forward	6,585	7,035
New Cases	14,863	13,768
Total Cases	**21,448**	**20,803**
Advisory Cases Completed	9,254	10,092
Representation Cases Completed	5,869	4,126
Total Cases Completed	**15,123**	**14,218**
Representation Cases Still Open at Year-end	2,914	3,399
Cases Pending	3,411	3,186
Total Cases Handled	**21,448**	**20,803**

Office of the Employer Adviser

Jason E. Mandlowitz
Director

The Office of the Employer Adviser (OEA) provides Ontario employers and all employers registered with the Ontario Workers' Compensation Board (WCB) with advisory services on matters relating to workers' compensation. Through training sessions, seminars and publications, the OEA enables employers to become self-reliant in the management of workers' compensation claims. The OEA also advocates policy on behalf of employers by communicating their concerns and recommendations to the proper administrative authorities.

The program objectives of the OEA are:

- To ensure the workers' compensation system in Ontario is sensitive to employer needs
- To provide a voice for employers within the WCB and Workers' Compensation Appeals Tribunal (WCAT) claims review and appeal process
- To acquaint employers with the full range of WCB and WCAT policies and procedures
- To provide employers with direct representational assistance on WCB and WCAT issues and at hearings
- To communicate employers' concerns about workers' compensation matters to legislative and administrative authorities
- To make it easier for employers to deal effectively with the WCB and the WCAT by educating employers on the full range of the workers' compensation statute, regulations, policy and procedures.

The OEA has six offices in Ontario. The head office, located in Toronto, serves employers in the Peterborough to Oakville area and has 12 staff positions. Regional services are provided by offices in Hamilton, Kitchener, Ottawa, Sudbury and Windsor (15 staff). Administrative services, which provide support service to all OEA offices, are managed from Toronto. Other services include policy interpretation and development as well as education and training, and they too are centralized in Toronto.

In 1989/90, the OEA:

Saw client demand levelling, as the office reached more than 14,000 employers through advisory and training programs

Represented employers at hearings and facilitated the ability of employers to undertake a self-reliant approach to managing WCB/WCAT problems

Initiated an enhanced workshop schedule to inform employers of the new statutory and regulatory provisions of Bill 162, passed into law at the end of the fiscal year.

Client Services

When the OEA intervened successfully for an employer, the issues involved were: second injury and enhancement fund relief (40 per cent); benefit entitlement reversal or removal (30 per cent); assessment or classification changes (20 per cent); and double-assessment waiver (10 per cent). In the area of client services, the OEA:

Responded to 5,115 inquiries from employers as new clients. Of these contacts, 1,233 resulted in subsequent OEA involvement

Participated as representative and/or adviser in 304 hearings at the WCB and WCAT

Advised 947 employers in one-to-one meetings

Serviced 14,151 employers through advisory services and training programs.

Education and Training

In the area of education and training, the OEA:

Undertook 99 technical programs for employers. Of these, 43 were organized and initiated by the OEA in 30 cities

Undertook 109 speaking engagements in 22 cities

Undertook simultaneously in six cities workshops on claims management (September 1989) and on Bill 162 (March 1990)

Committed itself to participate in the University of Windsor's Public Management Internship Program

Consolidated a publications list of three brochures, 11 information bulletins and two articles, all available in English and French

Arranged for staff to deliver papers at such major WCB conferences as Centre for Professional Learning, Corpus and the Law Society of Upper Canada

Initiated preparation of an employer's manual on WCB claims management and cost control.

Policy

In the policy area, the OEA:

Made formal written submission to the WCB on chronic occupational stress, chronic pain and retroactivity, revenue strategy and claims adjudication strategy

Petitioned the WCB on such issues of concern as treatment of lost-time injuries for experience-rating purposes; redesign of forms 6, 7 and 8; revisions to double-assessment penalties; revenue amnesty; and reclassification of several industry groups

Made oral and written submission to the WCB board of directors on the section 86n review of chronic pain and retroactivity

Succeeded in convincing the WCAT to reapportion industrial disease costs for Schedule 1 employers

Served as a member of the minister's interagency committee on the WCB green paper.

OEA Program Activity, 1989/90

	Head Office (Toronto)	Regional Offices*	Total
Contacts	2,216	2,899	5,115
Files	239	994	1,233
Hearings			
WCB and WCAT	90	214	304
Workshops			
Number	31	68	99
Employers Attending	1,154	2,682	3,836
Speaking Engagements			
Number	50	59	109
Employers Attending	3,038	2,162	5,200
Employer Meetings	322	625	947
Total Employer Service	**6,408**	**7,743**	**14,151**

**Regional offices are in Hamilton, Kitchener, Ottawa, Sudbury and Windsor.*

Finance and Administration Division

F. Peters, Executive Director

The Finance and Administration Division is responsible for providing administrative support for the operating divisions of the ministry in the areas of financial management and analysis, human resources, information technology and systems, administrative operations, internal audit and library and information services. The division also provides specialized support services to the ministry in the administration of the *Freedom of Information and Protection of Privacy Act*. In addition, the executive director of Finance and Administration provides administative support to the Communications Branch and the Co-ordinator of French Language Services, which report to the deputy minister for program purposes.

Financial Management and Analysis Branch

L. Petterson
Director

The objective of the Financial Management and Analysis Branch is to ensure that there are highly effective and efficient financial management, planning, reporting evaluation and control systems in place within the Ministry of Labour to support the attainment of ministry objectives and the government's goal of effective control of expenditure, revenue collection and results.

The branch administers the ministry's accounts payable, accounts receivable, payroll and related employee benefits systems. It is also responsible for the ministry's financial planning and budgeting activities.

In 1989/90, the branch:

Undertook the development of an integrated financial and management information system to ensure future efficiency

Completed a comprehensive review of ministry financial policies and procedures and incorporated them into the ministry's new policies and procedures manual

Completed development of the ministry's salary and wage management system, designed to provide salary profiles of ministry programs

Integrated salary and wage forecasting into the ministry's existing financial information system

Reorganized in order to expand channels of communication, enhance quality of information and ensure that it is up-to-date, and facilitate an integrated planning system

Implemented a Financial Advisory Unit to provide support and advice to program staff and perform post-audit function on financial transactions.

1989/90 Summary of Ministry Expenditures, Revenue and Funds

	General Expenditure ($000s)	General Revenue ($000s)	Trust Funds ($000s)
Ministry Administration	23,454	17	—
Industrial Relations	11,052	37	—
Occupational Health and Safety	60,508	12,722	—
Employment Standards	14,348	592	—
Pay Equity Commission	6,639	75	—
Labour Relations Board	8,778	80	—
Workers' Compensation Advisory Program	7,481	6,547	—
Credits	—	—	32
Total	**132,260**	**20,070**	**32**

Human Resources Branch

Sharon Gray*
Director

The Human Resources Branch provides services and consultation to the Ministry of Labour in the areas of staffing, compensation, staff relations, planning and development (including training), benefits, and health and safety, along with the related processing and records maintenance.

The branch operates under the authority of the *Public Service Act* and Regulations, the *Crown Employees Collective Bargaining Act* and the Collective Agreement, and it is responsible for their administration.

In 1989/90, the branch's activities included:

**Sharon Gray was appointed director July 10, 1989.*

Staffing Section

Administered 351 recruitment competitions throughout Ontario, with significant activity in the Information Technology and Systems Branch, the Occupational Health and Safety Division, the Pay Equity Commission, the Employment Standards Branch and the Labour Policy Division

Recruited for Special Programs, which resulted in placements for 209 participants.

Special Programs: Recruitment	
Summer Experience '89 Youth	117
Summer Students – Ministry Paid	26
Students Training in Industrial Relations	24
Ontario-Quebec Student Job Exchange Program	4
Post-secondary Co-op Students	17
Post-secondary Field Placements	5
Secondary School Co-op Students	11
'Futures' Youth Employment	1
Ontario Public Service Interns	2
Extern Student	1
Rehab/Assessment Work Stations	1
Total	**209**

Classification Section

Updated, evaluated and classified positions in the ministry and its boards, agencies and commissions, including the Pay Equity Commission and the Workers' Compensation Appeals Tribunal

Updated and monitored organization charts of all branches in which new positions were added or titles and reporting relationships changed

Supported reorganization of the Health and Safety Support Services Branch, the Information Technology and Systems Branch, the Industrial Health and Safety Branch, the Mining Health and Safety Branch, the Office of the Worker Adviser and the District Office Support Services, among other areas

Updated, revised and/or developed new class standards for employment standards officers and mine rescue officers

Provided ongoing advice and consultation to managers, supervisors and senior officials on classification, compensation, organizational design and inclusion/exclusion determination

Provided reviews, responses and technical support to the Staff Relations Section in the resolution of all management and bargaining unit classification grievances.

Staff Relations Section

Taught staff relations training courses (two – three days) to all first-line supervisory staff in the ministry

Co-ordinated the activities of the 22 employee relations committees around the province

Attended the Corporate Employee Relations Committee

Provided ongoing advice and consultation to all levels of management on staff relations issues, ensuring effective employer/employee relations

Continued to administer the *Public Service Act*, the *Crown Employees Collective Bargaining Act* and the Collective Agreement, as they relate to staff relations issues

Developed staff relations policies for the ministry based on precedents such as case law and past practice

Handled all grievances through the various steps of the grievance procedure

Maintained an effective liaison with ministry bargaining unit employees through their OPSEU representatives.

Human Resources Planning and Development Section

Prepared the 1989 interim report, 'Strategies for Renewal'

Consolidated individual branch plans for the Strategies for Renewal Action Plan for 1990/91

Monitored branches in the implementation of their Strategies action plans and provided advice and assistance

Monitored the Voluntary Exit Opportunities program

Prepared background papers and policies for Human Resources for: relocation expenses, secondments and temporary assignments, leave of absence and conflict of interest. The policy on harassment was revised to include the new procedures for dealing with sexual harassment

Developed an employee inventory program for human resources planning and employment equity in co-operation with the Information and Technology Systems Branch

Provided employment equity training, counselling and information to management and employees

Co-ordinated the Workforce Profile Survey

Developed a new performance management policy and delivered training

in performance management to more than 200 managers in the ministry

Provided training in areas concerning effective staffing, customer service, business English, and work-performance problems and substance abuse

Provided orientation to the ministry for all new staff.

Benefits Section

Advised employees on the benefits package, relocation expenses, the Public Service Superannuation Fund and *Ontario's Pension Benefits Act*

Provided employees and managers with advice and interpretation on the Voluntary Exit Opportunities program

Monitored extended absences and liaised with employee-counselling services relating to the Short Term Sickness Plan, the Long Term Income Protection Plan, work stations and rehabilitative employment

Co-ordinated the ministry's annual retirement seminar and other special programs

Developed and implemented training programs on changes in pensions and benefits.

Health and Safety Co-ordinator

Continued WHMIS compliance program and maintenance of Material Safety Data Sheets

Ensured that all new staff received WHMIS training

Managed all Workers' Compensation Board claims and appeals (90 WCB claims in 1989/90)

Liaised with the 22 local Joint Health and Safety committees (and established two new committees) and co-ordinated the operation of the Corporate Joint Health and Safety Committee

Organized and delivered training for members of committees

Participated in orientation sessions for new employees and the production of a video to be used in remote locations

Initiated a wellness program for the ministry

Promoted increased health and safety awareness among all employees through the distribution of information.

Information Technology and Systems Branch

Ron Brittain
Director

The objective of the Information Technology and Systems Branch is to plan, develop and maintain an information technology environment that enables the ministry to deliver its programs effectively and efficiently.

Accordingly, the branch assumes a leadership role in information technology strategy and policy formulation; has developed and participates in a benefits management program, ensuring that the projected benefits of information technology can be effectively managed by the ministry; and provides planning services, technical support services, and services relating to information resource management and application development.

In 1989/90, the branch's activities included:

Expansion of a ministry correspondence management system

Analysis and design of a case management system for the Ontario Labour Relations Board

Completion of a requirements document for Employment Standards Branch case tracking

Acquisition of a computer-assisted design system for the Administrative Operations Branch

The mapping of data in existing IBM systems to new Oracle data bases for the Occupational Health and Safety Division

Completion of a physical data model for Occupational Health and Safety operation systems

Implementation of both PC and mainframe applications, including:

- an orders tracking system (Construction Health and Safety Branch)
- a window-cleaning employer registration system (Occupational Health and Safety Division)
- an administrative operations purchasing system (Administrative Operations Branch)
- a handicapped employment program system (Labour Policy and Programs Division)
- an employment agencies tracking system (Employment Standards Branch)

Completion of a mailing labels system for hazardous substances. This is a joint project with the Industrial Accident Prevention Association on high-voltage electrical connectors (Industrial Health and Safety Branch)

Completion of the tendering, evaluation and selection process to choose a software package to meet the accounting requirements for a new financial information system

Completion of analysis and study of the Field Operations Improvement Project (Industrial Health and Safety Branch)

Implementation of WHMIS on existing systems (Occupational Health and Safety Division).

Administrative Operations Branch

R.R. Hogarth
Director

The head office staff of the Administrative Operations Branch provides records management, central purchasing, accommodation and assets, telecommunication, reproduction, mail, stockroom and transportation services to the ministry's program groups.

In 1989/90, the branch:

Negotiated for and co-ordinated additional facilities or relocations to respond to the expanded operations of the ministry's branches, boards and commissions at both head office and field locations. These include the Employment Standards Branch, the Office of the Worker Adviser, the Office of the Employer Adviser and several district offices

Finalized and oversaw installation of improved telephone systems for the ministry, including the upgrading of the entire head office to a Centrex III system

Developed a data base for statistics, reporting, records scheduling, implementation control, and forms cataloguing

Created/revised ministry forms in accordance with the requirements of ministry acts and regulations, including the *Freedom of Information and Protection of Privacy Act* and the *French Language Services Act*

Incorporated Visual Identity Program standards and demetrication

Procured equipment, supplies and services totalling more than $16 million. Purchases ranged from replenishments for the ministry's central stockroom to sophisticated technical equipment required by the Occupational Health and Safety Division. The number of requisitions processed and purchase orders issued increased by 34 per cent over 1988/89

Completed negotiations with respect to improved accommodations for 20 per cent of ministry staff

Completed proposals for a voice and data telecommunications study, awarded a contract and saw the equipment made operational

Designed and implemented programs to bring in-house all branch data-processing requirements with respect to reproduction cost distribution, office supplies cost distribution and moveable assets inventories.

Ongoing Activities of Administrative Operations Branch, 1989/90

Accommodation and Assets	
Relocation/Expansion Projects Completed:	
12 projects, total value	$ 300,000
Telephone-related Projects Completed:	
70 projects (1,100 phones), total value	200,000
Accommodation Alterations Projects:	
83 projects, total value	1,200,000
Data-cabling Installations:	
25 projects (300 cables), total value	150,000
Purchasing	
Requisitions Processed	5,296
Purchase Orders Issued	3,895
Tenders Processed	36
Records Management	
Schedule Implementation	*Cubic Feet*
Inactive Records Transferred to Records Centre	1,328
Destruction of Obsolete Records from Records Centre	1,166
Destruction of Obsolete Records from Ministry	600
Archival Records Transferred to Archivist of Ontario	300
Forms Management	*Number*
Preparation of camera-ready artwork (hrs.)	819
New Forms Analysed and Designed	76
Revised Forms Analysed and Designed	200
Reprinted Forms – No Changes	490
Obsolete Forms Eliminated	46
Supply and Office Services	
	Monthly Average
Copy Centre	
Average Number of Impressions	1,509,000
Stockroom	
Shipments Received	250
Items Supplied to Program Areas	1,850

Internal Audit Branch

P.A. Gould
Director

The Internal Audit Branch provides assurance to ministry senior management that adequate control processes are in place and working effectively and that accountability relationships are reasonably served. This is achieved through a cyclical program of audits covering all activities within the ministry and its agencies (excluding the Workers' Compensation Board). The program encompasses financial, broad scope, compliance and EDP audits.

In 1989/90, the branch:

Completed a number of audits and investigations and concentrated on improving the quality of its service by implementing a formal audit review process

Continued developing a branch audit manual

Developed reporting standards to ensure clarity and conciseness in reports

Played an active role in the government's Internal Auditors' Council through representation on the executive committee and education subcommittee as well as on the Professional Practices Advisory Task Group.

Ministry Library and Information Services

Sandra A. Walsh
Manager

The Ministry Library and Information Services, one of the major collections in its subject areas in Canada, provides — in print, microform and electronic format — a centralized, pro-active service in support of the programs and initiatives of the ministry and its agencies, commissions and committees.

In 1989/90, activities included:

Migration of the BASIS data bases from the service bureau to the ministry VAX for use by library staff on behalf of clients and for eventual end-user access by ministry staff

Selection of an integrated system to automate all functions

Outreach to internal and external clients through orientation sessions, meetings with programs to determine information requirements, and the marketing of internal data bases and new services

Production of *Library Spotlight*, a quarterly bulletin.

Service Statistics

	1989/90	1988/89
Publications Ordered	1,445	1,368
Publications Catalogued	1,988	1,932
Circulation	4,646	4,486
Interlibrary Loans		
Loaned	1,880	1,780
Borrowed	520	660
Reference		
Ministry	1,052	1,821
Non-ministry	3,863	5,134
Online Literature Searches	795	831
Articles Indexed	7,642	7,203
Bulletins Mailed	39,871	40,150
Articles Requested		
Ministry	6,132	7,838
Non-ministry	4,410	7,797
Records on BASIS Data Bases		
MOLINDEX (Serials)	81,761	76,188
MOLICAT (Library Catalogue)	26,641	26,104
ESA Decisions	2,728	2,380

Freedom of Information and Privacy Protection Office

Christopher Berzins
Co-ordinator

The Freedom of Information and Privacy Protection Office has two main areas of responsibility. The first is co-ordination of responses by the ministry to requests for information made under the *Freedom of Information and Protection of Privacy Act*. The second is ensuring that the ministry complies with the Act's restrictions on the collection, use and disclosure of personal information.

The office's co-ordinator provides advice to the deputy minister and to senior management with respect to the ministry's obligations under the Act. Guidance and information are also provided to ministry program areas and to the general public.

In 1989/90, the office:

Received 233 requests for information, of which 210 were for general records and 23 for personal information

Completed 248 requests for information

Represented the ministry in the confidentiality clauses review conducted by Management Board

Made educational presentations to groups within the ministry and to co-ordinators in other government institutions.

Organizations Reporting Directly to the Deputy Minister

Science Policy Adviser

Ann E. Robinson, Ph.D., C.Chem., F.C.I.C.

The Science Policy Adviser continues to:

Provide advice to the deputy minister on existing and emerging issues in occupational and environmental health and safety

Maintain contact with other jurisdictions on current issues

Provide advice on the development of strategies for closer collaboration between government and academic institutions on information exchange, opportunities for staff development and research

Provide science and science policy advice relating to specific ministry legislative initiatives

Collect and collate information on research to provide background for the development of an applied research policy.

In 1989/90, the Science Policy Adviser's activities also included:

Preparation of the green paper, *Biotechnology in Ontario: Growing Safely*, and participation as a member of the Interministry Committee on Biotechnology

Participation as chair of the Steering Committee on Occupational Safety and Health in Biotechnology — a stake-holder group supported by Labour Canada

Participation as a member of the federal-provincial Advisory Committee on Environmental and Occupational Health

Participation in the work of the Major Industrial Accidents Co-ordinating Committee (MIACC) as co-chair of Task Force 1 and chair of Working Group 1

Participation in the interministry committee that is providing comment and advice to the Federal Review Team in the review of the pesticide registration process in Canada under the *Pest Control Products Act*.

Legal Services Branch

Donald J. Chiasson*
Director

The Legal Services Branch provides general legal advice to the Ministry of Labour; drafts legislation and regulations; conducts prosecutions to enforce the ministry's legislation; represents the ministry at hearings and appeals under the ministry's legislation; and prepares contracts and other legal documents for the ministry.

In 1989/90, the branch:

Drafted four major pieces of legislation within the ministry's responsiblity

** Donald J. Chiasson was appointed director October 19, 1989.*

Drafted 17 regulations under the main ministry acts

Drafted 654 files recommending prosecutions under the *Occupational Health and Safety Act*. Lawyers conducted 755 trials concerning health and safety matters and completed 687 cases. Along with the carry-over of cases from the 1988/89 fiscal year, the branch carried in excess of 900 active cases at any one time

Represented the ministry in Divisional Court, Supreme Court and the Court of Appeal

Received 134 requests to represent occupational health and safety inspectors in the appeal of their orders

Appeared as counsel for the ministry in 193 applications for review of orders to pay and section 51 hearings under the *Employment Standards Act*. The branch also received 214 new cases under that Act

Drafted and approved 217 contracts, of which 15 were complex and included extensive drafting

Received 169 written requests for opinions

Assisted the ministry in its response to requests under the *Freedom of Information and Protection of Privacy Act* and 10 appeals under that Act

Expanded in size to handle the work load and obtained additional office space on the 12th floor, 400 University Avenue.

Co-ordinator of French Language Services

Hélène Hunt
Co-ordinator

The Office of the Co-ordinator of French Language Services provides consultation and advice to the deputy minister and senior ministry management on the implementation of the *French Language Services Act* and on the provision of services in French. The co-ordinator also provides information to francophone groups in Ontario on ministry programs and services, liaises with the Office of Francophone Affairs and represents the Ministry of Labour on the Council of Co-ordinators of French Language Services, chaired by the executive director of the Office of Francophone Affairs.

In 1989/90, the co-ordinator:

Monitored the implementation of the French Language Services Plan throughout the ministry and its agencies, boards and commissions

Verified that services were in place and delivered in compliance with the *French Language Services Act*

Ensured that the ministry's regulations were translated as planned and communicated with the Ministry of the Attorney General regarding their revision

In conjunction with the Communications Branch, ensured that appropriate informational materials were developed for francophones and liaised with francophone groups in Ontario

Provided consultation services to all staff regarding implementation issues and compliance with the *French Language Services Act*

In conjunction with the Human Resources Branch, determined French language training and evaluation needs and organized the transfer of the administration of these functions from the Human Resources Branch to this office

Responded to complaints under the *French Language Services Act* and ensured that corrective action was taken.

Director of Appeals

Robert Blair*
Director

The Director of Appeals is responsible for hearing appeals from orders or decisions of inspectors under section 32 of the *Occupational Health and Safety Act.*

In 1989/90:

One hundred twenty-six appeals were registered, the large majority of which were withdrawn or settled prior to hearing. Twenty-three decisions were rendered during the fiscal period as a result of hearings.

Communications Branch

Robert I. Cohen
Director

The goal of the Communications Branch is to create and sustain awareness and understanding of the laws administered by the ministry and of its policies and programs. Communications materials are produced in English, French and third languages. The branch provides professional advice and program support to the minister, his deputy and senior officials through two avenues — news and information, and communications planning and services.

Among other activities in 1989/90, the branch:

In consultation with relevant program areas, produced 21 new brochures and publications, revised 23 others and reprinted 33; helped to develop several slide presentations

Researched and wrote 27 statements and 55 speeches

Issued 80 news releases in English and French (three of which were also produced in Italian and Portuguese)

Answered about 2,000 news media inquiries

Responded to public telephone inquiries and requests for ministry publications

Published five print 'newsletters' and produced two video 'newsletters' for ministry staff

Provided communications support, including background documents, news releases, speeches, statements and brochures, for major policy initiatives, including occupational health and safety reform, workers' compensation reform, pay equity, biotechnology, smoking in the workplace and the Program for Older Worker Adjustment

Managed a summer training program for journalism students without outside news media sponsors.

**Robert Blair was appointed director December 4, 1989.*

Boards and Commissions

Ontario Labour Relations Board

M.G. Mitchnick
Chair

T.A. Inniss
Registrar

The Ontario Labour Relations Board is a quasi-judicial, independent tribunal responsible for the administration of the *Labour Relations Act*. Under this Act, the board:

Certifies trade unions as collective bargaining agents for employees

Appoints field officers to endeavour to effect settlements of complaints of contraventions of the Act, conducts hearings into complaints that are not settled and grants remedial orders where it finds that the Act has been contravened

Issues directions and declarations where unlawful strikes and lock-outs have occurred

Settles jurisdictional disputes arising from assignment of work

Accredits employers' organizations and employer bargaining agencies in the construction industry

Certifies employee bargaining agencies in the construction industry

Conducts arbitration hearings arising from grievances under construction industry collective agreements

Terminates bargaining rights

Directs the settlement of a first collective agreement by arbitration

Arbitrates the settlement of a first collective agreement

Provides decisions for the minister relating to his authority to appoint conciliation officers or arbitrators

Provides employee protection under the *Occupational Health and Safety Act* and the *Environmental Protection Act*

Handles 'successor' applications under the *Crown Transfers Act*.

Details of the activities of the board and its staff appear in the board's 1989/90 annual report.

Advisory Council on Occupational Health and Occupational Safety

Julian Barling*
Chairman

Carolyn Tuohy
Vice-chairman

The Advisory Council on Occupational Health and Occupational Safety advises the minister of labour on matters relating to occupational health and safety that may be brought to its attention or referred to it. Membership is drawn from management and labour and includes individuals with technical and professional backgrounds as well as members of the concerned and knowledgeable general public.

** Julian Barling was designated chairman August 1, 1989.*

During the 1989/90 fiscal year, council:

Submitted to the minister three advisory memoranda:

- On Bill 208: *An Act to Amend the Occupational Health and Safety Act and the Workers' Compensation Act*
- On small business
- On education and training

Established a task force on stress and occupational health and safety

Undertook consideration of matters concerning both biotechnology and mandatory use of protection equipment.

Details of the activities of council and its task forces, along with advisory memoranda and the minister's responses, appear in council's 12th annual report.

Workers' Compensation Board

Robert G. Elgie, Q.C., M.D., F.R.C.S.(C)
Chairman

The Workers' Compensation Board of Ontario (WCB) is a statutory corportation created by an Act of the Ontario legislature in 1914. It is responsible for administering the *Workers' Compensation Act* and Regulations of Ontario. The WCB raises funds from the province's employers to provide compensation to workers injured on the job or who contract an occupational disease.

Compensation includes payment for loss of wages that may result from the injury or disease; economic loss and/or non-economic loss awards for permanent disability; payment of health care expenses; a wide range of vocational and medical rehabilitation services; retraining programs; and survivor benefits in the case of a fatality.

The board also sponsors a range of accident prevention activities.

In 1989, the board:

Saw passage, in July, of Bill 162. This legislation, which introduced the most significant changes to the *Workers' Compensation Act* since its inception, includes both changes to the way workers with permanent disabilities will be compensated and new re-employment rights for injured workers

Marked the 75th anniversary of the passage of the *Workers' Compensation Act* by hosting a major symposium on compensation issues

Made further strides towards full implementation of the Medical Rehabilitation Strategy, which emphasizes early, active, community-based rehabilitation treatment and medical assessment of injured workers in order to place them in appropriate programs sooner and more successfully. In 1989, the board selected 69 community clinics and 11 regional evaluation centres and opened the Ontario Workers' Compensation Institute

Implemented the Vocational Rehabilitation Strategy, which provides for early and intensive vocational rehabilitation services to mitigate the effects of an injury on a worker's employment capabilities. Under this strategy, injured workers are contacted by the board no more than 45 days after a claim is registered to assess the need for vocational rehabilitation services

Approved a new revenue strategy, for implementation in 1992, designed to create a more modern, responsive and equitable employer classification and assessment system while maintaining revenue neutrality

Approved a new claims adjudication strategy, which calls for case co-ordination, cyclical case review, performance standards, and the introduction of adjudicator assistants

In a move towards a paperless office, introduced image processing technology, which allows a claim file to be retrieved from any of 600 work stations across the province.

During 1989, the number of claims registered with the board decreased to 476,349 from 489,819 in 1988. Of total claims registered:

43.4 per cent (206,552) were accepted as lost-time claims, involving time off work and compensation payments

45.6 per cent (217,109) were accepted as no-lost-time claims for accidents that necessitated health care treatment but no time off work beyond the day of the accident

10.6 per cent (50,409) were not accepted as claims in either category; this figure includes 40,483 (8.5 per cent) that were abandoned or withdrawn

0.4 per cent (2,105) were otherwise categorized (including pending claims).

During the year, the board:

Paid benefits totalling $1,781,730,000

Collected $2,483,387,000 in assessment income from the 205,000 employers in Ontario included under Schedule 1 of the *Workers' Compensation Act.*

Further details about these and other WCB activities appear in the board's 1989 annual report, which covers the fiscal year ending December 31, 1989. This report is available from the Communications Branch, Workers' Compensation Board, 2 Bloor Street East, Toronto, Ontario M4W 3C3, (416) 927-3500. A statistical supplement to the 1989 annual report is also available.

Workers' Compensation Appeals Tribunal

S. Ronald Ellis
Chairman

The Workers' Compensation Appeals Tribunal (WCAT) is the final level of appeal to which workers and employers may bring Workers' Compensation Board (WCB) matters regarding entitlement to benefits, health care and vocational rehabilitation. It also decides appeals from WCB decisions on assessments, penalties and transfers of costs as well as disputes over employer access to workers' files and workers' objections to undergoing medical examinations requested by employers. In addition, the tribunal decides if a person has the right to sue in court instead of making a compensation claim. WCAT is an independent tribunal, separate and apart from WCB.

In its fiscal year, the tribunal:

Received 1,600 and disposed of 2,000 appeals or other types of applications

Scheduled 1,360 hearings

Issued 1,125 fully reasoned, written decisions.

Industrial Disease Standards Panel

J. Stefan Dupré
Chairman

The Industrial Disease Standards Panel (IDSP) is a Schedule 1 agency that investigates possible industrial disease in the

province, makes findings of probable connection between disease and the workplace and recommends criteria and eligibility rules for the adjudication of claims for compensation for those industrial diseases. The IDSP reports its findings to the Workers' Compensation Board of Ontario.

In 1989/90, the IDSP issued the following reports of findings, progress reports and occasional papers:

Report of findings on the Ontario uranium mining industry (principally dealing with lung cancer among uranium miners)

Report of findings entitled 'Response to Supplementary Questions on Occupational PCB Exposure' (which provided advice following an earlier IDSP report on the use of serum PCB measurements in estimating the body burden of aluminum)

Progress report on health effects of aluminum in the workplace (examining the issue of possible health effects from occupational aluminum exposure in the aircraft industry)

Occasional paper entitled 'Occupation and Cancer in Ontario: Review of the Options for Establishing a Cancer-Occupation Data Base for Ontario'

Occasional paper entitled 'Compensation for Industrial Disease Under the Workers' Compensation Board of Ontario' (which explored adjudicatory issues for industrial disease compensation claims).

The IDSP also:

Continued its review of recommendations of the Royal Commission on Asbestos in preparation for further reports of findings on asbestos-related disease

Continued its study on matters arising during the adjudication of claims for occupational diseases

Continued its study of occupational disease risk among firefighters

Continued its study of occupational disease risk, including the risk of laryngeal cancer, in the nickel mining industry

Continued activities to promote the ethical development of occupational exposure and disease data (including recommendations to: develop exposure and disease cluster registries and principles for the investigation and reporting of disease clusters; study the feasibility of an occupational cancer data base; and continue monitoring outreach and surveillance activities).

Pay Equity Commission

Brigid O'Reilly
Commissioner

The Pay Equity Commission was created by Bill 154, the *Pay Equity Act*, 1987, which was proclaimed January 1, 1988.

The commission's mandate is to assist employers, employees and bargaining agents in achieving pay equity under the terms of the Act.

The commission consists of two parts: the Pay Equity Office and the Pay Equity Hearings Tribunal.

The *Pay Equity Office* itself is divided into three branches: Policy and Research, Information and Education Services, and Review Services.

The Policy and Research Branch provides analytical support to the commission, its client groups and the government by

developing policy and conducting research on current and emerging pay equity issues.

The Information and Education Services Branch is responsible for public education, including: an extensive publishing program, workshops, seminars, conferences, telephone counselling, public and media relations, and other outreach activities.

The Review Services Branch offers conciliation and mediation services, if needed, to employers, employees and bargaining agents.

In addition to staff in the three branches, the commission has the services of legal counsel and specialists in compensation.

The *Pay Equity Hearings Tribunal* is an independent, quasi-judicial adjudicative body that hears complaints and rules on appeals from affected groups. Chaired by Beth Symes, the tripartite tribunal consists of full-time and part-time vice-chairs as well as other members representative of employers and employees. All are appointed by the lieutenant governor in council.

The tribunal hears cases in panels of three: a member representing employers, a member representing employees and a neutral chair.

1989/90 Activities of the Pay Equity Commission

Pay Equity Office

Policy and Research Branch

Developed the last three guidelines to complete the series of 18

Conducted research into the issue of predominantly female workplaces and, in October 1989, submitted to the minister a report and a series of recommendations

Embarked on a joint research project with York University's Institute for Social Research to provide baseline data on the implementation of pay equity in Ontario

Developed and wrote a booklet on maintaining pay equity

Conducted 10 roundtables with stakeholder groups such as unions, consultants, lawyers and women's groups.

Information and Education Services Branch

Responded to 21,477 telephone inquiries from employers, employees and unions

Led 498 training events involving 24,000 participants

Published 'Pay Equity in Small Workplaces' and eight issues of the commission's newsletter

Published and distributed employee-information packages in 13 languages in addition to English and French

Placed a mass advertising campaign in ethnic newspapers and transit shelters across Ontario

Distributed public awareness posters to LCBOs, government offices, union offices, libraries and community centres

Retrained community college instructors for delivery of small-workplace materials.

Review Services Branch

Increased staff from five review officers to 16; case management grew from one employee to four

Assigned 1,152 cases; settled 126; ordered 124; referred three; and decided three. Of the orders, 50 have been the subject of requests for a hearing of the Pay Equity Hearings Tribunal, and 45 were still active at year-end.

Pay Equity Hearings Tribunal

Expanded its hearing capacity significantly with the addition of an alternate chair, another vice-chair, two new full-time and two new part-time employer and employee representatives

Built two hearing rooms at its Eglinton Avenue location

Commenced hearing cases in March 1989 and, by March 31, 1990, had received 75 requests for hearings, all but two of them pertaining to public sector employers

Held 17 pre-hearing conferences to clarify the facts and issues in dispute, to obtain agreement about what did and did not happen, to encourage the parties to exchange all relevant information, to resolve procedural issues and, if possible, to settle outstanding issues. The pre-hearing conferences have resulted in either the narrowing of issues or the complete settlement of the dispute.

Issued decisions dealing with the following issues:

- Who is the employer and what is the scope of the establishment for pay equity purposes?
- How many job classes are there for elementary classroom teachers and how many pay equity plans are required for elementary school teachers?
- What is the nature of a proceeding before the tribunal and what is the status of a review officer's order?
- Who may participate in a proceeding before the tribunal?
- When will the tribunal hear expert evidence?
- When will the tribunal reconsider its earlier decision?
- What information must be disclosed to bargain in good faith, and when must this information be disclosed?

Was served with Notices of Application for Judicial Review in respect of three of its decisions. The Divisional Court unanimously dismissed the application for judicial review of *Haldimand-Norfolk (No. 3)* (*Haldimand-Norfolk and Ontario Nurses' Association* (1989), 1 P.E.R. 17; affirmed (1989), 1 P.E.R. 188 (Ont. Div. Ct.)), the decision that held that for purposes of pay equity, the police were in the same establishment as the Municipality of Haldimand-Norfolk. The other application in respect of the same issue is still pending. An application for judicial review has been filed with respect to the tribunal's decision determining the number of job classes and pay equity plans for elementary teachers

Distributed tribunal decisions to the public upon request and, through a computer data base, QL Systems, within 48 hours after release

Summarized its significant decisions in both French and English in volume one of the *Pay Equity Reports*, which is available upon request and has been widely distributed throughout the province

Issued 'A Guide to the Pay Equity Hearings Tribunal Rules/Guide des règles Tribunal de l'équité salariale', designed to assist employees, employers and bargaining agents in understanding what the tribunal does and in complying with its Rules of Practice

Held a series of outreach meetings with counsel and parties in Toronto and in Ottawa, to discuss how the tribunal's current practices might be improved. As a

result of this consultation process, the tribunal issued interim pre-hearing guidelines

Organized and participated in pay equity conferences to increase awareness and knowledge of these issues

Engaged in an extensive program of ongoing French language training and remains committed to the provision of services in French pursuant to the *French Language Services Act.*

Public Service Appeal Boards

J. Shirlow
Secretary

The four statutory tribunals comprising the Public Service Appeal Boards function as independent, quasi-judicial tribunals that oversee the labour relations of Ontario Crown employees.

Ontario Public Service Labour Relations Tribunal

P.C. Picher
Chairperson

J. Shirlow
Registrar

The Ontario Public Service Labour Relations Tribunal administers the *Crown Employees Collective Bargaining Act.* The tribunal is empowered by the Act to appoint mediators and arbitrators and to adjudicate such matters referred to it by government employers, employee organizations or employees as: representation rights, unfair labour practices, and employee inclusion/ exclusion from bargaining units.

In 1989/90, the chairperson and all labour relations officers met to discuss the handling of employee inclusion/exclusion cases. As well, the tribunal:

Dealt with a 31 per cent increase in new cases

Increased its hearing capacity through the appointment of a new vice-chairperson and a new member

Participated in the development of the business case for a new computer system for the Public Service Appeal Boards.

Ontario Public Service Labour Relations Tribunal Applications in Fiscal Year	1989/90	1988/89
Filed Before March 31 and Pending	112	178
Filed in Year	68	52
Appointments		
Investigator	61	77
Mediator for Interest Arbitration	10	9
Arbitrator for Interest Arbitration	10	7
Disposition		
Pending Before Investigator	41	39
Pending Before Arbitrator for Interest Arbitration	6	9
Pending Initial Hearing Before Tribunal	30	39
Pending Before Tribunal in Hearing Stage	15	37
Pending Decision	7	1
Decision Issued by Arbitrator for Interest Arbitration	6	5
Decision Issued by Tribunal	53	61

Crown Employees Grievance Settlement Board

O.B. Shime
Chairperson

J. Shirlow
Registrar

The Crown Employees Grievance Settlement Board is an independent agency responsible for the resolution of collective agreement disputes between the employer, trade unions and employees. It reports to the legislature through the minister of labour.

In 1989/90, the board:

Dealt with a 28 per cent increase in new cases and held 23 per cent more hearings than in 1988/89

Provided for all cases a pre-hearing mediation session with a grievance settlement officer

Became current in all non-classification cases, with the time for processing cases to a hearing reduced to four months

Eliminated the backlog of all non-Office Administration Group classification cases and became current; the chairperson meets with the parties monthly to review, consolidate and schedule to a hearing each classification case received in the previous month, and a special grievance settlement officer meets monthly with the parties to discuss the exchange of documents

Developed a business case for a new computer system that will increase efficiency in the processing of cases

Completed a summary and index of all decisions from the board's inception to December 31, 1988

Developed an adjournment/inactive process to help monitor and efficiently deal with cases adjourned at the request of the parties.

Crown Employees Grievance Settlement Board Grievance in Fiscal Year	1989/90	1988/89
Carry-over from Previous Fiscal Year	4,077	4,371
Filed in Year		
Dismissal	92	68
Classification	567	450
Policy	83	88
Other	1,281	973
Total	2,023	1,579
Hearings Scheduled	2,612	2,167
Cases Settled		
Classification	139	
All Others	796	
Total	935	1,288
Total Hearing Days		
Classification	277	
All Others	579	
Total	856	696
Decisions Issued	454	585
Cases Pending at End of Fiscal Year	4,711	4,077

Note: The above data do not attempt to distinguish between consolidated and non-consolidated cases.

Public Service Grievance Board

I. Springate*
Chairperson

J. Shirlow
Secretary

The Public Service Grievance Board operates pursuant to the *Public Service Act* and is responsible for the adjudication of grievances concerning non-bargaining unit employees involving such matters as dismissal, working conditions and terms of employment.

**I. Springate was appointed chairperson July 4, 1989.*

Public Service Grievance Board
Grievance in Fiscal Year

	1989/90	1988/89
Filed Before March 31 and Pending	33	22
Filed in Year	13	23
Settled or Withdrawn	4	9
Decisions Issued	11	3
Cases Pending as of March 31	31	33

Classification Rating Committees

J. Shirlow
Secretary

Classification Rating Committees are designated by the chairperson of the Civil Service Commission. Pursuant to Regulation 881 under the *Public Service Act*, committees are appointed to adjudicate classification grievances concerning non-bargaining unit employees.

Classification Rating Committees
Grievance in Fiscal Year

	1989/90	1988/89
Filed Before March 31 and Pending	14	15
Filed in Year	12	11
Settled or Withdrawn	2	10
Decisions Issued	3	2
Cases Pending as of March 31	21	14